



RESOLUTION NO.:

200514

PRESENTED:

DEC 21 2020

ADOPTED:

**RESOLUTION AUTHORIZING CHANGES TO THE CHOICE FLINT HOUSING  
COMMISSION CONTRACT, INCREASING CONTRACT #19-035B BY \$41,580.00 FOR  
MANAGEMENT IMPROVEMENT TASKS**

**BY THE CITY ADMINSTRATOR:**

**WHEREAS**, The City was awarded Choice Neighborhoods grant funding from the U.S. Department of Housing and Urban Development in the amount of \$30,000,000.00; and

**WHEREAS**, City Officials were authorized in Resolution #180622 to enter into contract 19-035 with the Flint Housing Commission for the amount of \$192,280.03 (account 296-691.401-801.000) of the Choice Neighborhoods grant; and

**WHEREAS**, City Officials were authorized in Resolution #190429 to complete budget amendments and process a change order to increase the Flint Housing Commission contract #19-035A by \$222,310.00 in FHUD18CHOICE accounts 296-691.405-502.000 (revenue) and 296-691.405-801.000 (expense) for a revised total contract amount of \$414,590.03; and

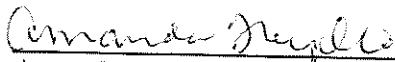
**WHEREAS**, HUD has approved a budget revision which allows the City to move administrative funds to the management improvements line item in order to pay for security costs at Atherton East; and

**WHEREAS**, the City of Flint Planning & Development Division of Planning wishes to move Choice Neighborhoods grant funds for management improvements in the amount of \$41,580.00 from the City's Choice Neighborhoods budget to the Flint Housing Commission for management improvements tasks; and

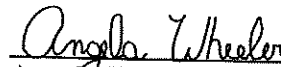
**IT IS RESOLVED** that appropriate City Officials are authorized to do all things necessary, including budget amendments, to process a change order to increase contract 19-035B with the Flint Housing Commission by \$41,580.00 in FHUD18CHOICE accounts 296-691.405-502.000 (revenue) and 296-691.405-805.100 (expense) for a revised total contract amount of \$456,170.03.

**APPROVED AS TO FINANCE:**

**APPROVED AS TO FORM:**

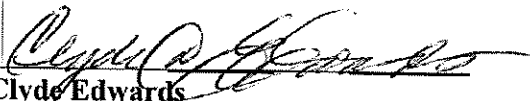


Amanda Trujillo  
Acting Chief Financial Officer

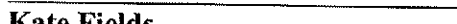


Angela Wheeler  
Chief Legal Officer

**ADMINISTRATION:**

  
Clyde Edwards  
City Administrator

**CITY COUNCIL:**

  
Kate Fields  
City Council President

**BUDGET AMENDMENT STAFF REVIEW FORM**

**DATE:** November 30, 2020

**Agenda Item Title:** RESOLUTION AUTHORIZING CHANGES TO THE FLINT HOUSING COMMISSION CONTRACT, INCREASING CONTRACT #19-035A BY \$41,580.00 FOR MANAGEMENT IMPROVEMENT TASKS

**Prepared By:** Kristin Stevenson, Project Coordinator

**Background/Summary of Proposed Action:**

In July 2018, the City received \$30,000,000.00 of grant funding from the U.S. Department of Housing and Urban Development (HUD) to implement the Transformation Plan created through the South Flint Choice Neighborhoods Initiative. The program is being led by the Planning Division and in collaboration with the Flint Housing Commission (FHC), Mott Community College (Mott), and Norstar Development to allow the City to move forward with the relocation of Atherton East Townhomes and implement the projects outlined in the vision of the South Flint Community Plan.

The approved contract amount for the Flint Housing Commission (\$414,590.03) is being increased by \$41,580.00. This will allow FHC to take on the tasks associated with Management Improvements related to security issues on site at Atherton East as approved by HUD. Thus, the new FHC approved contract amount will be \$456,170.03.

**Financial Implications:**

This grant leverages existing funds throughout the community, and delivers no impact to the City's General Fund accounts.

**Budgeted Expenditure:** Yes \_\_\_ No X Please explain, if no:

*(Handwritten: mmp)*

**Pre-encumbered:** Yes X No \_\_\_ **Requisition:** 200003873, upon adoption BA is required

**Account No.:** Reallocate \$41,580.00 from City Choice Admin (FHUD18CHOICE accounts 296-691.401-502.000 and 296-691.401-801.000) to Flint Housing Commission (FHUD18CHOICE accounts 296-691.405-502.000 and 296-691.405-805.100)

**Staff Recommendations:** The Accounting Supervisor for Department of Planning and Development recommends approval of this budget amendment and the accounts listed herein.

Carissa Dotson 12/2/2020

Carissa Dotson, Accounting Supervisor

The Director of Department of Planning and Development recommends approval of this budget amendment.

*Suzanne Wilcox*

Suzanne Wilcox, Director of Planning and Development



RESOLUTION NO.:

PRESENTED:

ADOPTED:

**200515**  
**DEC 21 2020**

**RESOLUTION TO TRANSFER \$190,000.00 FROM STREET LIGHTING FUND  
BALANCE TO STREET LIGHTING PROFESSIONAL SERVICE FOR  
DECORATIVE STEET LIGHTING THAT NEEDS REPLACEMENT**

**BY THE CITY ADMINISTRATOR:**

**WHEREAS**, funding exists in the Street Lighting fund balance; and

**WHEREAS**, there are several decorative street lights that need to be replaced in the City of Flint, for which funds are not currently available. This is an unexpected expense which was not budgeted; and

**WHEREAS**, the total requesting to be transferred from Street Lighting Fund Balance to Street Lighting Professional Service shall be One Hundred Ninety Thousand and no/100 (\$190,000.00) Dollars. The accounts for this transfer of funds are as follows:

Dept.	Name of Account	Account Number	Grant Code	Amount
Street	Fund Balance	Fund Equity: 219-000.000-390.000	N/A	\$190,000.00
Lighting	Professional Service	Expense: 219-443.206-801.000	N/A	\$190,000.00

**IT IS RESOLVED** that the appropriate City officials are authorized to do all things necessary to transfer from Street Lighting Fund Balance the amount of \$190,000.00, to the Street Lighting Professional Service account for fiscal year 2021.

**APPROVED AS TO FINANCE:**

Amanda Trujillo  
Amanda Trujillo  
Deputy Finance Director

**APPROVED AS TO FORM:**

Angela Wheeler  
Angela Wheeler  
Chief Legal Officer

**ADMINISTRATION:**

Clyde Edwards  
Clyde Edwards  
City Administrator

**CITY COUNCIL:**

Kate Fields  
Kate Fields  
City Council President

**CITY OF FLINT**



## CITY OF FLINT

(If yes, please indicate how many years for the contract) \_\_\_\_\_ YEARS

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: *(This will depend on the term of the bid proposal)*

BUDGET YEAR 1

BUDGET YEAR 2

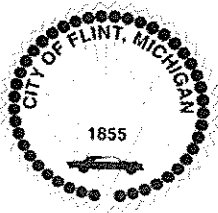
BUDGET YEAR 3

OTHER IMPLICATIONS *(i.e., collective bargaining)*:

STAFF RECOMMENDATION: (PLEASE SELECT): ☒ APPROVED ☐ NOT APPROVED

DEPARTMENT HEAD SIGNATURE: *James L. Williams* Director, DPD

(PLEASE TYPE NAME, TITLE)



RESOLUTION NO.:

200516

PRESENTED:

DEC 21 2020

ADOPTED:

**RESOLUTION TO TRANSFER \$40,000.00 FROM PARK/RECREATION FUND  
BALANCE TO PARKS PROFESSIONAL SERVICE FOR  
TREE REMOVAL SERVICES**

**BY THE CITY ADMINISTRATOR:**

**WHEREAS**, funding is available in the Park/Recreation fund balance; and

**WHEREAS**, there is a need for more funds to be available in the Parks Professional Service account for tree removals and other parks services. Currently there is less than \$10,000 left in the Parks Professional Service account; and

**WHEREAS**, the total requesting to be transferred from Park/Recreation Fund Balance to Parks-Forestry Administration Professional Service shall be Forty Thousand and no/100 (\$40,000.00) Dollars. The accounts for this transfer of funds are as follows:

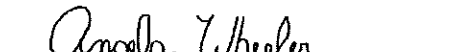
Dept.	Name of Account	Account Number	Grant Code	Amount
Parks	Fund Balance	Fund Equity: 208-000.000-390.000	N/A	\$40,000.00
Parks	Professional Service	Expense: 208-752.102-801.000	N/A	\$40,000.00

**IT IS RESOLVED** that the appropriate City officials are authorized to do all things necessary to transfer from Park/Recreation Fund Balance the amount of \$40,000.00 to the Parks-Forestry Administration Professional Service account for fiscal year 2021.

**APPROVED AS TO FINANCE:**

  
Amanda Trujillo  
Deputy Finance Director

**APPROVED AS TO FORM:**

  
Angela Wheeler  
Chief Legal Officer

**ADMINISTRATION:**

  
Clyde Edwards  
City Administrator

**CITY COUNCIL:**

\_\_\_\_\_  
Kate Fields  
City Council President







## CITY OF FLINT

(If yes, please indicate how many years for the contract)

YEARS

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (This will depend on the term of the bid proposal)

BUDGET YEAR 1

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS (i.e., collective bargaining):

STAFF RECOMMENDATION: (PLEASE SELECT): ☒ APPROVED ☐ NOT APPROVED

DEPARTMENT HEAD SIGNATURE: *James L. Williams* Director, DPD

(PLEASE TYPE NAME, TITLE)



RESOLUTION NO.:

200517

PRESENTED:

DEC 21 2020

ADOPTED:

**RESOLUTION TO ADOPT THE DISABILITY ACCESS PLAN**

**BY THE CITY ADMINISTRATOR:**

**WHEREAS,** On August 23, 2016, Environmental Protection Agency External Civil Rights Compliance Office (ECRO) accepted for investigation EPA Complaint No. 19RD-16-R5 and opened an investigation into whether the Michigan Department of Environmental Quality (MDEQ), Genesee County, and the City of Flint discriminated against the complainant and other similarly situated individuals in Flint, Michigan, on the bases of race, national origin, including limited-English proficiency (LEP), and disability with respect to the administration of the Safe Drinking Water Act of 1974, including public notification and involvement, in violation of Title VI and 40 C.F.R. Part 7, and whether MDEQ, Genesee County, and the City of Flint discriminated against individuals in Flint, Michigan on the basis of race, national origin, including limited-English proficiency, and disability by failing to have in place procedures for addressing compliance with the non-discrimination requirements, per 40 C.F.R. Part 7.

**WHEREAS,** On March 4, 2020 the City of Flint voluntarily entered into an Informal Resolution Agreement with the Environmental Protection Agency, External Civil Rights Compliance Office to resolve EPA Complaint NO. 19RD-16-R5.

**WHEREAS,** to comply with the Informal Resolution Agreement the City must adopt a Disability Access Plan.

**WHEREAS,** City Administrator Clyde Edwards recommends adopting the Disability Access Plan.

**THEREFORE, BE IT RESOLVED** that the Flint City Council agrees to adopt the Disability Access Plan.

<Signatures on the Following Page>

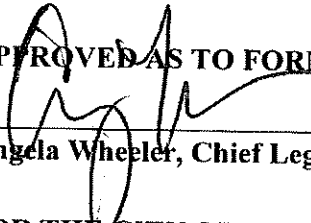


RESOLUTION NO.: 20-1124

PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Angela Wheeler, Chief Legal Officer

FOR THE CITY OF FLINT:

  
\_\_\_\_\_  
Clyde Edwards, City Administrator

APPROVED AS TO FINANCE:

  
\_\_\_\_\_  
Amanda Trujillo, Acting Chief Financial Officer

APPROVED BY CITY COUNCIL:

\_\_\_\_\_  
Kate Fields, City Council President





## CITY OF FLINT

ACCOUNTING APPROVAL: \_\_\_\_\_ NA \_\_\_\_\_ Date: \_\_\_\_\_

WILL YOUR DEPARTMENT NEED A CONTRACT? YES ☐ NO x ☒  
(If yes, please indicate how many years for the contract) \_\_\_\_\_ YEARS

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (This will depend on the term of the bid proposal)

BUDGET YEAR 1 NA

BUDGET YEAR 2 NA

BUDGET YEAR 3 NA

OTHER IMPLICATIONS (i.e., collective bargaining): NA

STAFF RECOMMENDATION: (PLEASE SELECT): ☒ APPROVED ☐ NOT APPROVED

DEPARTMENT HEAD SIGNATURE: \_\_\_\_\_  
(PLEASE TYPE NAME, TITLE)

## **City of Flint Disability Access Policy**

### **I. Purpose**

The purpose of this Disability Access Policy is to describe the City of Flint's policies, practices and procedures for complying with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 (ADA), and related federal and state laws protecting individuals with disabilities from discrimination and guaranteeing equal opportunity for individuals with disabilities to participate in local government programs and activities, and to access services.

A. Disability means, with respect to an individual: 1. a physical or mental impairment that substantially limits one or more of the person's major life activities; 2. a history of such an impairment; or 3. being regarded as having such an impairment.

B. Qualified Individual with a Disability is someone who (with or without accommodations) meets the essential eligibility requirements for participating in Recipient's programs, services, and activities.

C. Accommodation means adjustments including reasonable modifications to rules, policies, or practices; environmental adjustments such as the removal of architectural, communication, or transportation barriers; or auxiliary aids and services. Examples of accommodations include, but are not limited to: scribe, interpreter, environment free of distractions, material in Braille, tapes, and computer-assisted instruction.

### **II. Policy**

In accordance with Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (ADA), and related state laws, it is the policy of the City of Flint (City) that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the City, or be subjected to discrimination directly or through contractual, licensing, or other arrangements, by the City and that the City shall adhere to U.S. Department of Justice regulations implementing Title II of the ADA.

Individuals with disabilities have a right to request accommodations. Individuals will receive accommodations appropriate to their needs in order to fully participate in or benefit from Recipient's services and activities in a non-discriminatory, integrated setting. Recipient and any of its agents will not coerce, intimidate, retaliate against, or discriminate against any individual for exercising a right under the ADA or Section 504, or for assisting or supporting another to exercise a right under the ADA or Section 504. This Program and Policy applies to all Recipient subrecipients, agents and contractors

- A. Notice. The City and all its Departments shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this Policy and its applicability to the services, programs, or activities of the public entity, and make such information is available to them in such manner as the City ADA Coordinator finds necessary to apprise such persons of the protections against discrimination assured to them by law.
- B. Grievance procedure. The City and all its Department shall adhere to the City's grievance procedure as described on the City of Flint's website at <https://www.cityofflint.com/civil-rights-non-discrimination-agreement/> for providing prompt and equitable resolution of complaints alleging any action that would be prohibited by this Policy.
- C. Integrated Settings. City programs, activities and services shall be provided in integrated settings, unless separate or different measures are necessary to ensure equal opportunity. Integrated programs shall be given preference. When programs specifically designed for people with disabilities are offered, an individual with a disability cannot be required to participate in these programs or denied the opportunity to participate in regular programs.
- D. Eligibility Criteria. No City programs, activities, and services shall utilize eligibility criteria or standards which discriminate, or that would result in discrimination on the basis of disability.
- E. Reasonable Modifications. City Departments shall reasonably modify their policies, practices and procedures as necessary to allow qualified individuals with disabilities to participate in their programs, activities, and services.
- F. Service animals. Service animals, as defined by current applicable state and federal regulations shall be permitted to accompany their handlers or trainers into City buildings, facilities, meetings and events, and onto the premises of contractors providing City programs, activities and services.
- G. Mobility devices. The City shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use, and shall make reasonable modifications to policies, practices, and procedures to permit individuals with mobility disabilities to use other power-driven mobility devices, whether or not such devices were designed primarily for use by individuals with mobility disabilities, unless the device cannot be operated in accordance with legitimate safety requirements.
- H. Existing facilities. The City shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities
- I. Maintenance of accessible features. The City shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by Title II of the ADA, such as: elevators, wheelchair lifts; curb ramps and accessible sinks, toilets, and showers.

- J. Information and signage. The City shall ensure that interested persons, including persons with impaired vision or hearing can obtain information as to the existence and location of accessible services, activities, and facilities.
- K. Surcharges. City departments and contractors shall not impose any fees or surcharges on individuals with disabilities, their family members, or disability organization to cover the costs of providing auxiliary aids and services or any other ADA compliance measures.
- L. Retaliation. The City shall not discriminate against any individual because such individual has opposed any act or practice that violates this Policy or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing related to this Policy. The City shall not coerce, intimidate, threaten or interfere with anyone exercising or enjoying a right under this Policy, or anyone assisting another in the exercise or enjoyment of a right under this Policy.
- M. Effective communication. The City shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others, and as per the most current ADA and Effective Digital and Other communications Policy.
- N. Web Site Accessibility. City web shall be accessible in conformance with the World Wide Web Consortium (W3C/ Web Accessibility Initiative (WAI) Web Content Accessibility Guidelines (WCAG) 2.0, Conformance Level AA.
- O. Auxiliary Aids and Services. The City will provide at no cost appropriate auxiliary aids and services including, for example, qualified interpreters to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the programs, services, and activities provided by the City in a timely manner and in such a way as to protect the privacy and independence of the individual.
- P. City sponsored meetings and special events access. It is the policy of the City that City sponsored meetings and special events be accessible to people with disabilities. Public notices of City sponsored meetings and special events shall include information concerning the accessibility of the meeting or event location, the availability of auxiliary aids and services upon request, and contact information to be used for requesting such aids and services. Request should be made at least one day prior to the meeting.
- Q. Portrayal of and writing about people with disabilities. It is the policy of the City that people with disabilities shall not be portrayed in a manner which is offensive or demeaning in its written, audiovisual, or electronic materials.
- R. New construction and alterations. It is the policy of the City that new construction and alterations to City of Flint buildings and operations, and private housing developments receiving City funds, shall be in conformance with the most recent ADA standards for Accessible Design and related state and federal accessibility regulations.
- S. Historic preservation programs. City historic preservation programs shall ensure that, to the maximum extent practicable, people with disabilities, are afforded



physical and programmatic access to buildings and facilities as provided by the ADA and related state and federal accessibility regulations.

- T. Nondiscrimination by City contractors. The City shall require contractors to comply with state and federal disability nondiscrimination laws, as outlined in this policy.

### **III. Exceptions**

- a. Fundamental alteration/undue burden. As determined by the City Administrator or his/her designee on a case by case basis, this Policy does not require the City to take any action that it can demonstrate would result in fundamental alteration in the nature of a City program, activity or service, or would cause an undue financial or administrative burden for the City.
- b. Direct Threat. The ADA does not require the City to permit an individual to participate in or benefit from the services, programs, or activities of that public entity when that individual poses a direct threat to the health or safety of others.
- c. Safety. City programs may impose legitimate safety requirements necessary for the safe operation of services, programs, or activities, but such requirements must be based on actual risk and not on speculation, stereotypes, or generalizations about individuals with disabilities.
- d. Personal devices and services. This Policy does not require the City to provide individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing, unless such devices or services are provided to others.

### **IV. Additional Information**

For more information about compliance with the ADA and related disability civil rights laws in City programs, activities, and services, or to report a complaint of disability discrimination, please contact:

Tia Lewis, Ph D  
Nondiscrimination Coordinator  
810-766-7280 Ext. 2954  
1101 South Saginaw Street, Room 9, Flint, Michigan 48502  
[tnlewis@cityofflint.com](mailto:tnlewis@cityofflint.com)

**Notice of Compliance with the Americans with Disabilities Act**

In accordance with the requirements of the Americans with Disabilities Act (ADA) of 1990 (as amended), and other applicable laws and codes, the City of Flint will not discriminate against individuals on the basis of disability in its services, programs or activities.

Complaints that a program, activity or service of the City of Flint is not accessible to individuals with disabilities should be directed to the City Nondiscrimination Coordinator:

Tia Lewis, Ph D  
Nondiscrimination Coordinator  
810-766-7280 Ext. 2954  
1101 South Saginaw Street, Room 9, Flint, Michigan 48502  
[tmlewis@cityofflint.com](mailto:tmlewis@cityofflint.com)

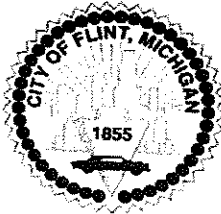
Presented: \_\_\_\_\_

Adopted: \_\_\_\_\_

Resolution: \_\_\_\_\_

Department: Human Resources

Last Revised: \_\_\_\_\_



RESOLUTION NO.:

200518

PRESENTED:

DEC 21 2020

ADOPTED:

**RESOLUTION RECOMMENDING SETTING A PUBLIC HEARING TO PROVIDE FOR  
COMMENTS ON THE DRAFT PARKS MASTER PLAN**

**BY THE CITY ADMINISTRATOR:**

**WHEREAS**, The City of Flint Master Plan has set goals to provide and maintain a balanced and equitable system of parks and recreation for all citizens of the City of Flint; and

**WHEREAS**, The City of Flint is dedicated to providing affordable, quality recreational facilities and programs to all citizens of the City of Flint; and

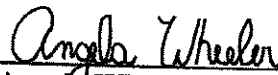
**WHEREAS**, The City of Flint has engaged the community many times through a series of community meetings, planning meetings, and visioning sessions through 2018-2019, and as a result of this community input has drafted an update to the City of Flint's 2013-2017 Parks and Recreation Plan; and

**WHEREAS**, The City of Flint desires to provide due notice to all persons interested as to the time and place of a hearing to provide public comments on the Draft Parks Master Plan; so

**IT IS RESOLVED** that a public hearing to provide for comments on the Draft Parks Master Plan shall be held on the 25<sup>th</sup> day of January, 2021 at 5:30pm in the City Council Chambers, 3<sup>rd</sup> Floor, Flint City Hall, 1101 S. Saginaw St., Flint, MI (or by electronic public meeting).

**IT IS FURTHER RESOLVED** that the City Clerk shall cause notice of such hearing to be published in an official paper of general circulation not less than fifteen (15) days prior to said hearing.

**APPROVED AS TO FORM:**

  
Angela Wheeler  
Chief Legal Officer

**ADMINISTRATION:**

  
Clyde Edwards  
City Administrator

**CITY COUNCIL:**

  
Kate Fields  
City Council President





## CITY OF FLINT

*(If yes, please indicate how many years for the contract)* The Third Amendment to the Partnership agreement will include one year of funding from the CS Mott Foundation

**WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: *(This will depend on the term of the bid proposal)***

**BUDGET YEAR 1**

**BUDGET YEAR 2**

**BUDGET YEAR 3**

**OTHER IMPLICATIONS *(i.e., collective bargaining)*:**

**STAFF RECOMMENDATION: *(PLEASE SELECT)*:** ☐ **APPROVED** ☐ **NOT APPROVED**

**DEPARTMENT HEAD SIGNATURE:** *Stephanie Leachman* Director, DPD

*(PLEASE TYPE NAME, TITLE)*

200074

## RECOMMENDED BY PLANNING COMMISSION 02.04.2020

ORDINANCE NO. \_\_\_\_\_

An ordinance to amend the Code of the City of Flint by amending Chapter 50, Zoning, by amending Article XXXII, Medical Marihuana Facilities, §50-183.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. That the Code of the City of Flint shall be amended by amending Chapter 50, Zoning, Article XXXII, Medical Marihuana Facilities, which shall read in their entirety as follows:

**§50-183. MEDICAL MARIHUANA FACILITIES OPT IN ORDINANCE.**

This ordinance of the City of Flint, Michigan is to provide for the licensing and regulation of **BOTH Medical AND ADULT-USE ("RECREATIONAL")** Marihuana Facilities within the City of Flint, Michigan; to ~~establish the maximum number of Medical Marihuana Licensed Facilities;~~ to establish operational, land use, and zoning requirements, and standards attendant thereto; to protect the health, safety and welfare of the City of Flint and its neighborhoods; and to provide penalties for violations of the chapter. These Special Regulated Uses pertain to Medical AND **ADULT-USE ("RECREATIONAL")** Marihuana Facilities that are allowed under the statutes of the Michigan Medical Marihuana Act, 2009 IL 1, MCL 333.26421 ET SEQ., as amended ("MMMA"), the Medical Marihuana Facilities Licensing act, MCL 333.2701, ET SEQ. (MMFLA), and the Marihuana Tracking Act (MTA), MCL 333.27901, ET SEQ. **AND THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT ("THE MRTMA")**, 2018 IL 1, MCL 333.27951 ET SEQ. This Ordinance is subject to interpretation and revision based on rules yet to be fully and permanently adopted by the Michigan Department of Licensing and Regulatory Affairs (LARA) **AND THE**

**MICHIGAN REGULATORY AGENCY (MRA).** If the standards set forth in this Ordinance are in conflict with the standards adopted by LARA / **THE MRA** than the standards from LARA / **THE MRA** shall apply.

A. Uses subject to these controls are as follows:

(1) Group "B" - Special Regulated Uses:

i. Medical Marihuana Provisioning Centers

ii. **RETAIL FACILITIES**

**III. COMMERCIAL MARIHUANA SECURE TRANSPORT FACILITIES**

(2) Group "F"- Special Regulated Uses:

i. Commercial Medical Marihuana Growing Centers

ii. Commercial Medical Marihuana Processing Center

**III. COMMERCIAL MARIHUANA SAFETY COMPLIANCE FACILITIES**

(3) Group "G" - Special Regulated Uses:

i. Commercial Medical Marihuana Secure Transport Facility **MICROBUSINESSES**

- ii. ~~Commercial~~—~~Medical~~  
~~Marihuana~~—~~Safety~~  
~~Compliance Facility~~

B. Definitions:

For the purposes of this chapter:

Any term defined by the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 ET SEQ., as amended ("MMMA"), or the Medical Marihuana Facilities Licensing Act, 2016 PA 281, **OR THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT ("THE MRTMA")**, 2018 IL 1, MCL 333.27951 ET SEQ shall have the definition given in the MMMA, as amended, or the Medical Marihuana Facilities Licensing Act, as amended, **OR THE MRTMA**. These Special Regulated Uses pertain to Medical Marihuana Facilities that are allowed under the statutes of the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 ET SEQ., as amended ("MMMA"), the Medical Marihuana Facilities Licensing act, MCL 333.2701, ET SEQ., ("MMFLA"), and the Marihuana Tracking Act ("MTA"), MCL 333.27901, ET SEQ **AND ADULT-USE OR RECREATIONAL FACILITIES THAT ARE ALLOWED UNDER THE THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT ("THE MRTMA")**, 2018 IL 1, MCL 333.27951 ET SEQ. If the definition of a word or phrase set forth in this Ordinance conflicts with the definition in the MMMA, **THE MRTMA** or the Medical Marihuana Facilities Licensing Act, or if a term is not defined but is defined in the MMMA or the Medical Marihuana Facilities Licensing Act, then the definition in the MMMA or the Medical Marihuana Facilities Licensing Act, **OR THE MRTMA** shall apply.

This ordinance shall not limit an individual's or entity's rights under the MMMA, MMFLA, or MTA **OR THE MRTMA** and these acts supersede this ordinance where there is a conflict between

them and the immunities and protections established in the MMMA unless superseded or preempted by the MMFLA **OR THE MRTMA**.

The following definitions apply to all Group "E", "F", and "G" Special Regulated Uses:

1. **Dedicated Public Park** - A city or privately owned piece of property that contains deed restrictions explicitly stating the property is for the use of the general public for leisure, recreation, or general public purposes. Property does not need to contain playground or recreation equipment to be established as a Dedicated Public Park space.
2. **City** - the City of Flint, Michigan.
3. ~~Medical~~—**Marihuana Growing Center** - An entity that is licensed to operate by the State of Michigan **FOR MEDICAL AND/OR ADULT-USE MARIJUANA** and has applied to be established as a Special Regulated Use by the City. This facility is used to cultivate, dry, and package ~~Medical~~ Marihuana in accordance with state law.
  - i. The Growing Center must be located in a structure that is, **IN A SINGLE BUILDING OR CUMULATIVELY IN A COLLECTION OF BUILDINGS**, a minimum of 2,000 square feet for a class a licensed grower, 5,000 square feet for a class b licensed grower, and 8,000 square feet for a

class c licensed grower  
**OR AN EXCESS  
GROWER.**

The building(S) may be split among multiple state licensed growers, and processors given that there are walls or partitions erected between them and approved by BSI officials, pursuant to state building code.

- ii. If a Growing Center is collocated with a Group E Provisioning Center **OR RETAILER**, the structure must be a minimum of 9,000 square feet, **IN A SINGLE BUILDING OR CUMULATIVELY IN A COLLECTION OF BUILDINGS.**
  - iii. A Growing Center shall provide only wholesale products for the use of other Medical Marijuana Provisioning Centers **OR RETAILERS.**
4. **Medical Marijuana Processing Center** - An entity that is licensed by the State of Michigan **FOR MEDICAL AND/OR ADULT-USE MARIJUANA** that acquires marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a Provisioning Center **OR RETAILER.**

- i. The Processing Center must be located in a

facility that is a minimum of 3,000 square feet. The building may be split among multiple state licensed processors & growers, given that there are walls or partitions erected between them and approved by BSI officials, pursuant to state building code.

- ii. If a Processing Center is collocated with a Group E Provisioning Center **OR RETAILER**, the structure must be a minimum of 9,000 square feet, **IN A SINGLE BUILDING OR CUMULATIVELY IN A COLLECTION OF BUILDINGS.**
  - iii. A Processing Center shall provide only wholesale products for the use of other Medical Marijuana Provisioning Centers **OR RETAILERS.**
5. **Medical Marijuana Secure Transport Facility** - A licensee that is a commercial entity located in this state **AND IS LICENSED BY THE STATE OF MICHIGAN FOR MEDICAL AND/OR ADULT-USE MARIJUANA** that stores Medical Marijuana and transports Medical Marijuana between Medical Marijuana Licensed Facilities for a fee.
6. **Medical Marijuana Safety Compliance Facility** - A commercial entity **LICENSED**



BY THE STATE OF MICHIGAN FOR MEDICAL AND/OR ADULT-USE MARIJUANA that receives marihuana from a marihuana facility or registered caregiver, tests it for contaminants and for tetrahydrocannabinol (THC) and other cannabinoids, returns the test results, and may return the marihuana to the Medical Marihuana Licensed Facility.

7. Enclosed, Locked Facility - A permanent building having a roof supported by columns or any other support used for the enclosure of persons, animals, chattels or property of any kind, or carrying on business activities or other uses. Marihuana must be grown and stored in a fully enclosed area equipped with secured locks or other functioning security devices that permit access only by registered licensee or registered qualifying patient.

8. Grower- A licensee that is an entity located in this state, approved by the State FOR MEDICAL AND/OR ADULT-USE MARIJUANA, that cultivates, dries, trims, or cures and packages marihuana for sale to a Processor or Provisioning Center OR RETAILER.

9. Pre-K through 12 School - A building or facility that houses students ranging from grades pre-kindergarten (K) through the 12th grade (12). Pre-K through 12 facilities can be both public and private educational establishments and include both Charter and Parochial scholastic systems, CONTINGENT

UPON THE FACT THAT SAID SCHOOL IS EITHER CURRENTLY BEING USED AS A SCHOOL OR IS UNDER CONSTRUCTION AND WILL BE OPENED AND USED AS A SCHOOL ON A FUTURE DATE CERTAIN. This list includes early childhood education facilities.

10. License Application - The requirements and procedures set forth in this Ordinance to secure the subject license.

11. Licensee - A person holding a state operating license, pursuant to the Medical Marihuana Facilities Licensing Act, 2016 PA 281 AND/OR THE MRTMA, 2018 IL 1, MCL 333.27951 ET SEQ.

12. Marihuana / MARIJUANA - The term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106. "MARIHUANA" AND "MARIJUANA" ARE USED INTERCHANGEABLY.

13. Marihuana facility - Location at which a license holder is licensed to operate under this Ordinance, including a Provisioning Center, RETAILER, Processor, Grower, EXCESS GROWER, Safety Compliance Facility, and Secure Transporter, AND MICROBUSINESS.

14. Marihuana-infused product - A topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is

intended for human consumption in a manner other than smoke inhalation. Marihuana-infused product shall not be considered a food for purposes of the food law, 2000 PA 92, MCL 289.1101 to 289.8111

15. Marihuana plant - Any plant of the species *Cannabis sativa* L.

16. Medical use of marihuana - The acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of marihuana, marihuana-infused products, or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

17. Medical Marihuana Provisioning Center - A licensee that is an entity located in this state that purchases marihuana from a grower or processor and sells, supplies or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning Center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the MMMA act

is not a Provisioning Center for purposes of this Ordinance.

18. Michigan Medical Marihuana Act - The Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 to 333.26430.

19. NEIGHBORHOOD  
"NEIGHBORHOOD"  
MEANS A  
NEIGHBORHOOD  
RECOGNIZED BY THIS  
ORDINANCE, A  
NEIGHBORHOOD SERVED  
BY AN ORGANIZED  
NEIGHBORHOOD  
ASSOCIATION  
RECOGNIZED BY THE  
CITY, OR AN AREA  
WITHIN A ONE  
THOUSAND (1,000) FOOT  
RADIUS OF THE  
APPLICANT'S/LICENSEE'S  
SITE, WHICHEVER IS  
GREATER.

20. Ordinance - This ordinance, Chapter 50 article xxxi, section 183.

21. Place of Worship - A place of worship is a specially designed structure or consecrated space where individuals or a group of people such as a congregation come to perform acts of devotion, veneration, or religious study that is recognized as a tax-exempt entity, as determined by the City Assessor's Office.

22. Plant - Any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.

23. Residential Property - A piece of property that is principally zoned for dwelling purposes. This type of structure includes, but is not limited to, single-family dwellings, two-family dwellings, multi-family dwellings, and manufactured housing communities.

24. Residential Zoned District - The residential zoned districts are "A-1", "A-2", "B", "B-1", "C-1", and "C-2".

25. State - The State of Michigan.

26. State Licensed Cultivator/Grower - An individual who has applied for and been authorized for a grower license in Michigan pursuant to the Medical Marihuana Facilities Licensing Act, 2016 PA 281 AND THE MRTMA, 2018 IL MCL 333.27951 ET SEQ. The license authorizes the secure transfer of marihuana and the sale of seeds or plants to another grower or processor. Individuals can apply for 3 different license classes, each of which authorizes the grower to grow not more than the following number of marihuana plants:

- i. Class A - 500 marihuana plants.
- ii. Class B - 1,000 marihuana plants.
- iii. Class C - 1,500 marihuana plants.

\*All commercial Growing Center license classes may be "stacked", to the extent permitted by the State of Michigan,

## INCLUDING FOR AN EXCESS GROWER LICENSE.

27. State operating license (or license) - A license that is issued under the Medical Marihuana Facilities Licensing Act, 2016 PA 281, OR THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, "THE MRTMA", 2018 IL MCL 333.27951 ET SEQ, that allows the licensee to operate as one (1) of the following, specified in the license.

i. A grower.

AN EXCESS GROWER.

iii. A processor.

iv. A secure transporter (facility).

v. A provisioning center.

vi. A safety compliance facility.

vii. A RETAIL FACILITY.

28. Medical Research Facility - an applicant which (1) seeks a grow and processing and/or provisioning center license, (2) is located in a building of at least 10,000 square feet, (3) in an industrially zoned district, where (4) the applicant is a verified Michigan-licensed physician or partnership/entity made up exclusively of verified Michigan-licensed physicians, (5) and one or more michigan-licensed physicians are physically on site and available

to see medical marihuana patients during at least half of operating hours and (5) annually demonstrates proof of clinical research involving medical marihuana; is defined as a "medical research facility" and thusly shall be subject to amended locational standards.

**29. MICROBUSINESS** - PERSON OR ENTITY LICENSED TO CULTIVATE NOT MORE THAN 150 MARIHUANA PLANTS; PROCESS AND PACKAGE MARIHUANA; AND SELL OR OTHERWISE TRANSFER MARIHUANA TO INDIVIDUALS WHO ARE 21 YEARS OF AGE OR OLDER OR TO A MARIHUANA SAFETY COMPLIANCE FACILITY, BUT NOT TO OTHER MARIHUANA ESTABLISHMENTS. LOCATED IN THE CITY THAT IS LICENSED OR APPROVED TO OPERATE BY THE STATE PURSUANT TO THE MRTMA AND IS LICENSED BY THE CITY PURSUANT TO THE TERMS AND CONDITIONS OF THIS CHAPTER.

**30. DESIGNATED CONSUMPTION ESTABLISHMENT** - A COMMERCIAL SPACE THAT LEGALLY PERMITS THE ON-SITE CONSUMPTION OF ADULT-USE MARIJUANA VIA A LICENSE FROM THE STATE.

**31. EXCESS GROWER - A GROWING FACILITY THAT IS LICENSED FOR 5 CLASS C MARIHUANA GROWER LICENSES AND LICENSED TO CULTIVATE MARIHUANA AND SELL OR OTHERWISE TRANSFER MARIHUANA TO MARIHUANA ESTABLISHMENTS.**

**32. RETAILER (OR RETAIL FACILITY) - A LICENSEE THAT IS AN ENTITY LOCATED IN THIS STATE THAT PURCHASES MARIHUANA FROM A GROWER OR PROCESSOR AND SELLS, SUPPLIES, OR PROVIDES MARIHUANA TO PERSONS 21 YEARS OF AGE OR OLDER. RETAILER INCLUDES ANY COMMERCIAL PROPERTY WHERE MARIHUANA IS SOLD AT RETAIL TO TO PERSONS 21 YEARS OF AGE OR OLDER. A NONCOMMERCIAL LOCATION USED BY A PRIMARY CAREGIVER TO ASSIST A QUALIFYING PATIENT CONNECTED TO THE CAREGIVER THROUGH THE DEPARTMENT'S MARIHUANA REGISTRATION PROCESS IN ACCORDANCE WITH THE MMMA ACT IS NOT A RETAILER FOR PURPOSES OF THIS ORDINANCE.**

#### C. License Allocation and Annual Fees

1. No person shall operate a Group "E", "F", or "G" use in the City of Flint without obtaining both a

license to do so through both the City and the State.

2. ~~The City shall issue no more than the following for each license type:~~

i. ~~Medical — Marihuana Provisioning Centers: 20 Licenses~~

ii. ~~Commercial — Medical Marihuana — Growing Center: No Limit \* More than 1 State issued Commercial Growing Center License can operate within 1 structure, to the extent permitted by the State of Michigan.~~

iii. ~~Commercial — Medical Marihuana — Processing Center: No Limit \* More than 1 State issued Commercial Processing Center License can operate within 1 structure, to the extent permitted by the State of Michigan.~~

iv. ~~Commercial — Medical Marihuana — Secure Transporter: 5 Licenses~~

~~Commercial Medical Marihuana Safety Compliance Facility: 5 Licenses~~ **THE CITY AFFIRMATIVELY OPTS OUT OF THE DESIGNATED CONSUMPTION ESTABLISHMENT LICENSE TYPE, AND SHALL NOT GRANT ANY SUCH LICENSE.**

3. ~~The license quotas are permitted to the extent regulated by the MMLB rules and regulations and are subject to change based on any potential rulings made by the board. A LICENSEE FOR MEDICAL AND ADULT-USE MARIJUANA MUST MAINTAIN BOTH LICENSE TYPES WITH BOTH THE STATE AND THE CITY.~~

4. ~~Merit Review Process.~~

~~In order to seek the best candidates for medical marihuana facility licensure for the City of Flint, the City shall review and score and rank the applicants based upon their objective merits if the number of license applicants exceeds the number of licenses available.~~

- a. ~~Application Window.~~

~~Following the effective date of this ordinance, there shall be an open application period of forty five (45) days during which the City shall collect applications for all Marihuana Facility licenses that are subject to a cap. In the event that more applications for licenses are submitted during this window than the number of licenses available, those applications would then be reviewed by staff.~~

- b. ~~Blind Review.~~

~~Each application shall assigned an Application Number by the Zoning Coordinator, which shall be the sole means of identifying that application through the entirety of the review and scoring process. The Zoning~~

~~Coordinator shall not participate in the scoring process; and all individuals reviewing and scoring the applications shall only know the specifications of the applications and the application number not the identities of the applicants themselves.~~

~~c. Scoring Panel:~~

~~City staff shall review and score the applications. Assigned staff consisting of the designees of the heads of the city clerk's office, Legal, Planning and Zoning, Police, Fire, and Building and Safety Inspection Departments shall score the medical marijuana facility licenses, based upon a predetermined rubric of criteria.~~

~~d. Factors for Scoring:~~

~~The assigned City staff shall create a scoring rubric, outlining the factors and weight of criteria considered for the scoring of such applications, and shall provide the final rubric for modification and final approval by a majority of the City Council. The scoring criteria shall include factors such as the proposed number of employees who would be working at the site, whether and to what extent the application commits to local hiring for staff and/or subcontractors, the size of the proposed facility, the total capital investment, whether the applicant has a history of prior building/code violations and whether the applicant has already received pre-approval by~~

~~the State of Michigan for licensure.~~

~~e. Determination of Order:~~

**THE CITY DOES NOT PLACE A NUMERICAL LIMIT ON MARIJUANA LICENSES. HOWEVER, IN RECOGNITION OF THE EFFORTS AND COMMITMENTS MADE BY THE MEDICAL MARIHUANA FACILITY APPLICANTS THROUGHOUT THE RUBRIC SCORING PROCESS, THE CITY SHALL EXHAUST THE LIST OF PROVISIONING CENTER APPLICATIONS, IN THE ORDER SET FORTH IN RESULT OF SAID SCORING, BY HEARINGS OF ALL SUCH APPLICATIONS BY THE CITY'S PLANNING COMMISSION, PRIOR TO NEW RETAIL FACILITY OR PROVISIONING CENTER APPLICATIONS BEING HEARD BY THE COMMISSION.**

~~Once the applications are scored, individual applicants shall be notified of the order of their placement, and those within the cap may proceed through the license application process accordingly. Failure to complete the license application process within six (6) months shall result in the denial of the application, and the next best applicant shall be afforded the opportunity to apply. The resulting list of scores shall be~~

~~used as the order for any waiting list, in the event that (a) currently existing, grandfathered facilities do not pass the State of Michigan's licensure process, (b) other facilities close on their own accord, are closed by court or administrative order and/or have their licenses revoked, or (c) the City chooses to raise the license limit for that kind of facility at a future date.~~

5. The non-refundable application fee for a Medical Marihuana Facility license is \$1500 per license, and the annual fee for a Medical Marihuana Facility license shall be \$5000. The term of each license shall be one (1) year, beginning when the Licensee is granted a Certificate of Occupancy permit from the Building & Safety, Inspections Division.

- i. The \$5000 annual license fee begins and commences on the date of receipt of the Applicant's Certificate of Occupancy by the City.

#### D. Operation Without License Prohibited

Every Medical Marihuana establishment in the City of Flint shall be licensed pursuant to the terms and provisions set forth in this chapter. No person shall operate a Medical Marihuana establishment in the City without first obtaining a license. A Medical Marihuana establishment operation without a license under the provisions of this chapter or without a state license or approval pursuant to

the MMFLA, as amended from time to time, is hereby declared to be a public nuisance.

#### E. License Application Submission

- (1) Application for any Group "E", "F", or "G" Medical Marihuana license required by this Ordinance shall be made in writing to the Zoning Coordinator, and must be approved by the Planning Commission, and approved by the State of Michigan, prior to commencing operation. Upon the expiration of an existing license, a license will be automatically renewed by the City of Flint for one (1) year if the following conditions are met: (1) there are no uncured administrative violations in the prior year; (2) the applicant has paid the annual licensing fee for the renewal period; (3) any Stakeholder changes have been fully disclosed to the City of Flint; and (4) the applicant has paid and received the renewal of its State license.

- (2) An application for a Medical Marihuana Facility license required by this Ordinance shall contain the following:

- i. The appropriate non-refundable application fee is \$1500 per license, and the annual license fee for a Medical Marihuana Facility license shall be \$5000, less the initial payment of the application fee for the first year only.

- ii. If the applicant is an individual, the applicant's name, date of birth, physical address, copy of government issued photo identification, email address, and one or more phone numbers, including emergency contact information;
- iii. If the applicant is not an individual, the names, dates of birth, physical addresses, copy of government issued photo identification, email addresses, and one or more phone numbers of each stakeholder of the applicant, including designation of the highest ranking stakeholder and emergency contact person and contact information for the emergency contact person, articles of incorporation, assumed name registration documents, Internal Revenue Service SS-4 EIN confirmation letter, and a copy of the operating agreement of the applicant, if a limited liability company, a copy of the partnership agreement, if a partnership, or a copy of the by-laws or shareholder agreement, if a corporation;
- iv. The name and address of the proposed Medical Marihuana Facility and any additional contact information deemed necessary and requested by the City;
- v. For the applicant, for each Stakeholder of the applicant, an affirmation under oath as to whether they are at least 18 years of age and have never been indicted for, charged with, arrest for, convicted or pled guilty to any crime, forfeited bail concerning, or had expunged any criminal offense under the laws of any jurisdiction, either felony or controlled-substance-related misdemeanor not including traffic violations, regardless of whether the offense has been expunged, pardoned, reversed on appeal or otherwise, including the date, name and location of the court, arresting agency, and prosecuting agency, the case caption, the docket number, the offense, the disposition, and the location and length of incarceration;
- vi. An affirmation under oath that the applicant, before hiring a prospective agent or employee of the applicant, and after, the holder of a license shall conduct a background



check of the prospective employee. If the background check indicates a pending charge or conviction within the past ten (10) years for a controlled substance-related felony, the applicant shall not hire the prospective employee or agent without written permission from the City Council;

vii. A signed release authorizing the City of Flint Police Department to perform a criminal background check to ascertain whether the applicant, each Stakeholder of the applicant, each managerial employee and employee of the applicant meet the criteria set forth in this Ordinance;

viii. The name, date of birth, physical address, copy of photo identification, and email address for any managerial employee or employee of the Medical Marihuana Facility, if other than the applicant;

ix. An affirmation under oath as to whether the applicant or Stakeholder has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been

denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation or non-renewal, including the licensing authority, the date each action was taken, and the reason for each action;

One of the following: (a) proof of ownership of the entire premises wherein the Medical Marihuana Facility is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this Ordinance along with a copy of the lease for the premises OR (C) A PURCHASE AGREEMENT EXECUTED BY BOTH THE APPLICANT AS PURCHASER AND THE SELLER OF THE PARCEL IN QUESTION;

xi. Proof of an adequate premise liability and casualty insurance policy in the amount not exceeding the requirements addressed in the Medical Marihuana Facilities Licensing Act OR THE

MRTMA or applicable State laws, covering the ~~Medical~~ Marihuana Facility and naming the City as an additional insured party, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors;

- xii. A security plan for the ~~Medical~~ Marihuana Facility that contains a comprehensive diagram, including, but not limited to, any lighting, alarms, barriers, recording/monitoring devices, and/or security guard arrangements proposed for the facility and premises. The security plan must contain the specification details of each piece of security equipment. Each ~~Medical~~ Marihuana Facility must have a security guard present during business hours or ~~provide~~ security procedures shall be proposed in the business plan;

1. Security cameras are required for any Group "E", "F" or "G" Special Regulated Use operation. For Group "E", "F", and "G" Special

Regulated Uses, the security plans most include details on the location and number of security cameras located on the premises, both on the interior and exterior. At a minimum, security cameras must be installed to capture all entry and exit doors, public counters, and parking lots;

2. The make and model of the security cameras must meet the Flint Project C.A.T.T. EYE specifications and the video feed made available to be monitored twenty-four hours/day by the Flint Police Department. Signs and decals are strongly encouraged to be posted within the ~~Medical~~ Marihuana establishment indicating the facility is part of Flint Project C.A.T.T. EYE.

- xiii. A floor plan of the ~~Medical~~ Marihuana

Facility, as well as a scale diagram illustrating the property upon which the Medical Marihuana Facility is to be operated, including all available parking spaces, and specifying which parking spaces, if any, are handicapped-accessible;

- xiv. An affidavit that neither the applicant nor any Stakeholder of the applicant is in default to the City. Specifically, that the applicant or Stakeholder of the applicant has not failed to pay any property taxes, special assessments, fines, fee or other financial obligations to the City;
- xv. An affidavit that the transfer of Marihuana and from Medical Marihuana Facilities shall be in compliance with the MMA and the Medical Marihuana Facilities Licensing Act AND THE MRTMA or applicable state laws;
- xvi. A staffing plan complete with an organizational chart listing all individuals that includes position descriptions and the names of each person holding each position;
- xvii. Any proposed text or graphical materials to be shown on the exterior of

the proposed Medical Marihuana Facility;

- xviii. A business plan that includes a proposed marketing plan, scheduled tangible capital investment in the City including an explanation of the economic benefit to the City and job creation statistics. The plan should include both the short and long term goals and objectives of the business operation;
- xix. A location area map of the Medical Marihuana Facility and surrounding area that identifies the relative locations and the distances (closest property line to the subject Medical Marihuana Facility's building) to the subject Medical Marihuana Facility to the closest real property comprising a Pre-K-12 school; a place of worship; and any dedicated public park(s);
- xx. A facility sanitation plan to protect against any Marihuana being ingested by any person or animal, indicating how the waste will be stored and disposed of, and how any Marihuana will be rendered unusable upon disposal. Disposal by on-site burning or introduction

in the sewerage system is prohibited;

xxi. A hazardous material plan, indicating what, if any, hazardous substances will be on the premises, in what quantities, the intended usage of such hazardous materials, and the plans for the disposal of such hazardous materials and/or their byproducts. All waste that is hazardous must be disposed of pursuant to Part 111 of 1994 PA 451, Hazardous Waste Management.

xxii. A proposed patient AND/OR CUSTOMER recordkeeping plan that will track quantities sold to individual patients and caregivers, AND/OR CUSTOMERS 21 YEARS OF AGE AND OLDER, and will monitor inventory;

xxiii. A description of procedures for testing of contaminants, including mold and pesticides;

xxiv. An affirmation under oath that the applicant acknowledges the current status of federal marihuana law and agrees that, as a condition of receiving a license from the City of Flint, any plant(s) possessed by the applicant in excess of the licensed quantity of

plants permitted may be immediately confiscated for destruction without a hearing; and that the applicant agrees to waive any right of recourse against the City for any damages or restitution for the value of such excess plant(s).

xxv. As it relates to a Growing or a Processing Facility OR AN EXCESS GROWER, the following additional items shall be required:

1. A grower plan that includes at a minimum a description of the Grower methods to be used, including plans for the growing mediums, treatments and/or additives;
2. A processing plan that includes at a minimum a description of the methods to be used;
3. A production testing plan that includes at a minimum a description of how and when samples for laboratory testing by a state approved Safety Compliance Facility will be

selected, what type of testing will be requested, and how the test results will be used;

where and how pesticides and chemicals will be stored in the facility, along with a plan for the disposal of unused pesticides;

4. An affidavit that all operations will be conducted in conformance with the MMMA, the Medical Marihuana Facilities Licensing Act, **THE MRTMA**, or other applicable State laws and such operations shall not be cultivated on the premises at any one time more than the permitted number of Marihuana Plants per the Michigan Medical Marihuana Act, as amended, **THE MRTMA**, and the Medical Marihuana Facilities Licensing Act;

5. All Growers, **EXCESS GROWERS** and Processors must be performed within an Enclosed Locked Facility which may include indoors or in an enclosed greenhouse.

- (3) Upon receipt of a completed Medical Marihuana Facility application meeting the requirements of this Ordinance and ~~confirmation that the number of existing licenses does not exceed the maximum number established by resolution pursuant to 2(C);~~ above, the Zoning Coordinator shall refer a copy of the application to each of the following for their review and approval: the City Attorney or their designee, the Police Department or their designee, the Fire Department or their designee, the Building & Safety Inspections Division and the Director of Planning & Development or their designee. Once applications are verified by each department to be sufficiently complete and comprehensive, and no sooner,

5. A Chemical and pesticide storage plan that states the names of the chemicals and pesticides to be used in a Growing or Processing Facility, and

the Zoning Coordinator shall forward the applications to the Planning Commission. The plans that are submitted for both preliminary review and final review, must be completed by a State of Michigan licensed Architect or Engineer. The plans must include all of the required elements mentioned in this section. Preliminary plans must be stamped and signed by the licensed architect or engineer who authored the plans. Final plans must be stamped, signed and sealed by the licensed architect or engineer who authored the plans.

(4) No application shall be approved unless:

- i. The Fire Department or designee and the Building & Code Inspections Division have inspected the plans of the proposed location for compliance with all laws for which they are charged with enforcement;
- ii. The applicant, each Stakeholder of the applicant, and the managerial employees and employees of the applicant, have passed a criminal background check conducted by the State of Michigan;
- iii. The Zoning Coordinator has confirmed that the proposed location complies with the Zoning Code;

iv. The City Treasurer or their designee has confirmed that the applicant and each Stakeholder of the applicant are not in default to the City;

v. The City Attorney or their designee has completed a detailed review of the Medical Marihuana Facility application for compliance with the applicable state laws and City Ordinances.

(5) If written approval is given by each individual or department identified in subsection 1-5, the Zoning Coordinator shall submit the application to the Planning Commission for recommendation to the city council for the issuing of a license to the applicant. All licenses issued are contingent upon the State of Michigan issuing a license for the operation under State law.

(6) Licensees shall report any other change in the information required by subsection 4 above, to the City within ten (10) days of the change. Application Fees shall be set by Council Resolution for any Stakeholder added after the original Application is filed.

#### **F. License Evaluation; LIMITED ADMINISTRATIVE APPROVAL**

(1) The Planning Commission shall assess all applications pursuant to its authority under the city

zoning code and the terms outlined herein.

- (2) Past criminal convictions of the applicant or stakeholder will be evaluated. Convictions involving any of the following listed below, but not limited to, may result in denial of the application.

- i. Gambling;
- ii. Prostitution;
- iii. Weapons;
- iv. Violence;
- v. Tax evasion;
- vi. Fraudulent activity; and
- vii. Serious moral turpitude.

- (3) The Planning Commission shall consider the community impact of the proposed regulated use, including but not limited to the number of jobs created, the number of jobs that will be created specifically for City of Flint residents, and the overall impact on the character and growth of the surrounding neighborhood.

Further grounds for denial of the application may include a felony or misdemeanor of such nature that it may impair the ability of the applicant or stakeholder to operate a licensed business in a safe and competent manner.

- (5) The Planning Commission, in evaluating a license application, may consider whether the applicant or stakeholder has filed, or had filed against it, a

proceeding for bankruptcy within the past seven (7) years as grounds for denial.

- (6) The Planning Commission, in evaluating a license application, may consider whether the applicant or stakeholder has a history of noncompliance with any regulatory requirements in this state or any other jurisdiction as grounds for denial.

- (7) The Planning Commission may further impose any conditions or limitations upon the establishment, location, construction, maintenance or operations of regulated use as may in its judgment be necessary for the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

- (8) IF AN APPLICANT WHO ALREADY HOLDS AN SRU UNDER THIS SECTION SEEKS A RELATED RECREATIONAL MARIJUANA LICENSE PURSUANT TO THE MRTMA ON THE SAME SITE OF THAT EXISTING SRU, WITH NO MODIFICATION TO PREVIOUSLY APPROVED SITE PLANS OR FLOOR PLANS, AND THAT APPLICANT MAINTAINS A VALID AND RELATED MMFLA LICENSE WITH THE STATE OF MICHIGAN AND THE CITY OF FLINT, THAT APPLICATION MAY BE ADMINISTRATIVELY**

APPROVED IN  
CONSULTATION WITH  
THE PLANNING  
COMMISSION CHAIR OR  
THE CHAIR'S DESIGNEE,  
AND ADDED TO THE  
EXISTING SPECIAL  
REGULATED USE PERMIT,  
BY THE CITY'S ZONING  
COORDINATOR UPON  
PAYMENT OF A  
NONREFUNDABLE  
SPECIAL REGULATED USE  
PERMIT APPLICATION  
FEE.

G. Minimum Operating Standards of  
Medical Marihuana Provisioning  
Centers AND RETAILERS

The following minimum standards for  
Provisioning Centers AND RETAILERS shall  
apply

- (1) Operating hours limited to  
between 8:00 a.m. and 8:00 p.m.  
Monday through Saturday and  
12:00 noon and 6:00 p.m.  
Sunday;

- (2) If in a multi-use or multi-tenant  
building, the Group "E" Special  
Regulated Use shall not use  
common entrances or entrances  
off a common hall and must be  
directly accessed from the  
outside by its own separate  
entrance;

- i. If co-located with a  
Group "F" Special  
Regulated Use, the  
structure must be a  
minimum of 9,000  
square feet, IN A  
SINGLE BUILDING  
OR CUMULATIVELY  
IN A COLLECTION  
OF BUILDINGS, and

must be separated by  
walls, and accessible via  
separate entrances  
pursuant to state building  
code.

- (3) Consumption of Marihuana shall  
be prohibited on the premises of  
a Provisioning Center OR  
RETAILER, and a sign shall be  
posted on the premises of each  
Provisioning Center OR  
RETAILER indicating that  
consumption is prohibited on the  
premises.

- (4) Pursuant to Section E., 2., xii., 1.  
& 2., Provisioning Centers AND  
RETAILERS shall  
continuously monitor the entire  
premises on which they are  
operated with surveillance  
systems that include security  
cameras;

- (5) Unless permitted by the  
MMMA, and THE Medical  
Marihuana Facilities Licensing  
Act, THE MRTMA or  
applicable state law, public or  
common areas of the  
Provisioning Center OR  
RETAILER must be separated  
from restricted or non-public  
areas of the provisioning center  
OR RETAILER by a  
permanent barrier. Unless  
permitted by the MMMA, and  
THE Medical Marihuana  
Facilities Licensing Act, THE  
MRTMA or applicable state  
law, no Marihuana is permitted  
to be stored, displayed, or  
transferred in an area accessible  
to the general public;

- (6) All Marihuana storage areas  
within THE Provisioning Center  
OR RETAILER must be



separated from any customer/patient areas by a permanent barrier. Unless permitted by the MMMA, and **THE Medical Marihuana Facilities Licensing Act, THE MRTMA** or applicable state law, no Marihuana is permitted to be stored in an area accessible by the general public or registered customers/patients. Marihuana may be displayed in a sales area only if permitted by the MMMA, **THE MRTMA** or the Medical Marihuana Facilities Licensing Act;

(7) Any usable Marihuana remaining on the premises of a Provisioning Center **OR RETAILER** while the Provisioning **OR RETAILER** Center is not in operation shall be secured in a safe permanently affixed to the premises;

(8) Drive-through window on the premises of a Provisioning Center **OR RETAILER** shall not be permitted;

(9) Provisioning Center **OR RETAILER** shall not allow the sale, consumption, or use of alcohol or tobacco products on the premises;

(10) No Provisioning Center **OR RETAILER** shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Provisioning Center **OR RETAILER** is operated;

(11) The license required by this Ordinance shall be

prominently displayed on the premises of a Provisioning Center **OR RETAILER**;

(12) The premises shall be open, at all times, to any Michigan ~~Medical Marihuana Licensing Board~~ **REGULATORY AGENCY** investigators, agents, auditors, the state police, local police, local fire inspectors or local building and safety inspection officials, without a warrant and without notice to the holder of the license, enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or noncompliance with the MMMA and **THE Medical Marihuana Facilities Licensing Act, THE MRTMA** or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:

i. To inspect and examine all premises of ~~Medical Marihuana Facility~~;

ii. To inspect, examine, and audit relevant records of the licensee and, if the holder of the license or any of the managerial employees or employees fails to cooperate with an investigation, impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically

stored records, money receptacles, or equipment in which the records are stored;

iii. To inspect the person, and inspect or examine personal effects present in a ~~Medical~~ Marihuana Facility, of any holder of state operating license while that person is present in a ~~Medical~~ Marihuana Facility;

iv. To investigate alleged violations of the MMMA, and **THE Medical Marihuana Facilities Licensing Act, THE MRTMA** or applicable state laws.

H. Minimum Operating Standards of Commercial ~~Medical~~ Marihuana Growing Centers, **INCLUDING EXCESS GROWERS**

The following minimum standards for Growing Centers shall apply

(1) The Growing Facility shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, the ~~Medical~~ Marihuana Facilities Licensing Act, **THE MRTMA**, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time;

(2) At no time and for any reason, shall the enclosed structure be open to the general public;

(3) No Growing Facility shall be operated in a manner creating

noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Grower Facility is operated;

(4) Any Growing Facility shall maintain a log book and/or database indicating the number of Marihuana Plants therein. Each Marihuana Plant will be tagged as required by the MMMA, **THE MRTMA**, and Medical Marihuana Facilities Licensing Act;

(5) Pursuant to Section E., 2., xii., 1. & 2., Growing Centers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras.

(6) All Marihuana shall be contained within an Enclosed Locked Facility;

(7) All necessary building, electrical plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the Grower, growing or harvesting of Marihuana are located;

(8) That portion of the structure storing any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the City of Flint Fire Department to insure compliance with all applicable statutes, codes and ordinances;

(9) The dispensing of Medical Marijuana at the Growing Facility shall be prohibited;

i. If co-located with a Group "E" Special Regulated Use, Provisioning Center **OR RETAILER**, the structure must be a minimum of 9,000 square feet, **IN A SINGLE BUILDING OR CUMULATIVELY IN A COLLECTION OF BUILDINGS**, and must be separated by walls, and accessible via separate entrances pursuant to state building code.

ii. On such a co-located site, the dispensing of Medical Marijuana must only be in the area designated specifically as the Provisioning Center **OR RETAILER**.

(10) All persons working in direct contact with Marijuana shall conform to hygienic practices while on duty, including but not limited to:

Maintaining adequate personal cleanliness;

ii. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;

iii. Refraining from having direct contact with Marijuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

(11) Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in the areas where Marijuana is exposed.

(12) Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair;

(13) There shall be adequate screening or other protection against the entry or pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming and attractant, harborage or breeding places for pests;

(14) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition;

(15) Each Grower Facility shall provide its occupants with adequate and readily accessible toilet facilities that are

maintained in a sanitary condition and good repair;

(16) Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms;

(17) Grower Facility shall be free from infestation by insects, rodents, birds, or vermin or any kind;

(18) The Center must be located in a structure that is a minimum of 2,000 square feet, for a class a licensed grower, 5,000 square feet for a class b licensed grower, and 8,000 square feet for a class c licensed grower **OR EXCESS GROWER, IN A SINGLE BUILDING CUMULATIVELY IN A COLLECTION OF BUILDINGS.** The building(s) may be split among multiple state licensed growers, and processing centers, given that there are walls or partitions erected between them and approved by Building and Safety Inspection officials, pursuant to state building code.

(19) A Growing Center shall provide only wholesale products for the use at other Medical Marihuana Provisioning Centers **OR RETAILERS.**

(20) The premises shall be open, at all times, to any Michigan ~~Medical—Marihuana Licensing—Board~~ **REGULATORY AGENCY** investigators, agents, auditors,

the state police, local police, local fire inspectors or local building and safety inspection officials, without a warrant and without notice to the holder of the license, enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or noncompliance with the MMMA and Medical Marihuana Facilities Licensing Act, **THE MMMA**, or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:

To inspect and examine all premises of Medical Marihuana Facility;

ii. To inspect, examine, and audit relevant records of the licensee and, if the holder of the license or any of the managerial employees or employees fails to cooperate with an investigation, impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored;

iii. To inspect the person, and inspect or examine personal effects present in a Medical Marihuana Facility, of any holder of

state operating license while that person is present in a ~~Medical~~ Marihuana Facility;

- iv. To investigate alleged violations of the MMMA, ~~THE~~ **MRTMA**, and Medical Marihuana Facilities Licensing Act or applicable state laws.

I. Minimum Operating Standards of Commercial ~~Medical~~ Marihuana Processing Center

The following minimum standards for Processing Centers shall apply:

- (1) The Processor shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, ~~THE~~ **MRTMA**, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time;
- (2) Consumption and/or use of Marihuana shall be prohibited at the Processor Facility;
- (3) All activity related to the Processor Facility shall be done indoors;
- (4) The premises shall be open, at all times, to any Michigan ~~Medical—Marihuana Licensing Board~~ **REGULATORY AGENCY** investigators, agents, auditors, the state police, local police, local fire inspectors or local building and safety inspection officials, without a

warrant and without notice to the licensee, enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or noncompliance with the MMMA, ~~THE~~ **MRTMA**, and Medical Marihuana Facilities Licensing Act or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:

- i. To inspect and examine all premises of ~~Medical~~ Marihuana Facilities;

To inspect, examine, and audit relevant records of the licensee and, if the licensee or any managerial employees or employees fails to cooperate with an investigation, impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored;

- iii. To inspect the person, and inspect or examine personal effects present in a ~~Medical~~ Marihuana Facility, of any holder of state operating license while that person is present in a ~~Medical~~ Marihuana Facility;

- iv. To investigate alleged violations of the MMMA and Medical Marihuana Facilities Licensing Act, **THE MRTMA**, or applicable state laws.
- (5) Any Processor Facility shall maintain a log book and/or database which complies with the MMMA, as amended, **THE MRTMA** and Medical Marihuana Facilities Licensing Act or applicable state laws;
- (6) All Marihuana shall be tagged as required by the MMMA, the Medical Marihuana Facilities Licensing Act, **THE MRTMA**, or applicable state laws;
- (7) All Marihuana shall be contained within Enclosed Locked Facility in accordance with the MMMA, as amended;
- (8) All necessary building, electrical plumbing and mechanical permits shall be obtained for any portion of the structure which electrical wiring for devices that support the processing of Marihuana are located;
- (9) That portion of the structure where the storage of any chemicals are located shall be subject to inspection and approval by the City of Flint Fire Department to insure compliance with all applicable statutes, codes and ordinances;
- (10) The dispensing of ~~Medical~~ Marihuana at the Processor facility shall be prohibited;
- i. If co-located with a Group "E" Special Regulated Use, Provisioning Center **OR RETAILER**, the structure must be a minimum of 9,000 square feet, **IN A SINGLE BUILDING OR CUMULATIVELY IN A COLLECTION OF BUILDINGS**, and must be separated by walls, and accessible via separate entrances pursuant to state building code;
- On such a co-located site, the dispensing of ~~Medical~~ Marihuana must only be in the area designated specifically as the Provisioning Center **OR RETAILER**.
- (11) All persons working in direct contact with Marihuana shall conform to hygienic practices while on duty, including but not limited to:
- Maintaining adequate personal cleanliness;
  - Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
  - Refraining from having direct contact with Marihuana if the person has or may have an illness, open lesion,

including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

- (12) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where Marihuana is exposed;

- (13) Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair;

- (14) There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming an attractant, harbor, or breeding places for pests;

- (15) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition;

- (16) Each Processor Facility shall provide its occupants with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair;

- (17) Marihuana that can support the rapid growth of

undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms;

- (18) Processor Facility shall be free from infestation by insects, rodents, birds, or vermin or any kind;

- (19) Processor Facility shall produce no products other than useable Marihuana intended for human consumption;

- (20) The Center must be located in a structure that is a minimum of 3,000 square feet. The building may be split among multiple state licensed growers and processors, given that there are walls or partitions erected between them and approved by BSI officials, pursuant to state building code.

- (21) A Growing Center shall provide only wholesale products for the use at other Medical Marihuana Provisioning Centers **OR RETAILERS.**

**J. Minimum Operating Standards of Commercial Medical Marihuana Secure Transport Facility**

The following minimum standards for Secure Transporter shall apply

- (1) The Secure Transporter shall comply at all times with the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, **THE MRTMA**, the Marihuana Tracking Act and the general rules of the Department of Licensing and Regulatory

Affairs, as they may be amended from time to time.

(2) Consumption and or use of marihuana shall be prohibited at a facility of a Secure Transporter.

(3) Storage of Medical Marihuana by a Secure Transporter shall comply with the following:

- i. Pursuant to Section E., 2., xii., 1. & 2., Secure Transport Facilities shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras.
- ii. The storage facility shall not be used for any other commercial purpose.
- iii. The storage facility shall not be open or accessible to the general public.
- iv. The storage facility shall be maintained and operated so as to comply with all state and local rules, regulations and ordinance.

The storage facility shall be open at all times to any Michigan Medical Marihuana—Licensing Board **REGULATORY AGENCY** investigator, local or state police officers, local fire inspectors or local building and safety inspection officials, without a warrant and without notice to the

holder of the license, enter the premises, offices, facilities or other places of business of a licensee, if evidence of compliance or non-compliance with the MMMA and Medical Marihuana Facilities Licensing Act, **THE MRTMA**, or applicable state laws is likely to be found and consistent with constitutional limitations for the following purposes:

1. To inspect and examine all premises of Medical Marihuana Facility;
2. To inspect, examine and audit relevant records of the licensee and, if the holder of the license or any of the managerial employees or employees fails to cooperate with an investigation, impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and



videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored;

3. To inspect the person(s), and inspect or examine personal effects present, in a ~~Medical~~ Marihuana Facility, of any holder or state operating license while that person is present in a ~~Medical~~ Marihuana Facility;

4. To investigate alleged violations of the MMMA and ~~Medical~~ Marihuana Facilities Licensing Act, **THE MRTMA**, or applicable state laws.

vi. All marihuana stored within the facility shall be stored within Enclosed Locked Facilities in accordance with the MMMA as amended.

vii. All persons working in direct contact with marihuana being stored by a secure transporter

shall conform to hygienic practices while on duty, including but not limited to:

1. Maintaining adequate personal cleanliness;

2. Washing hands thoroughly ~~inadequate~~ hand washing areas before starting work and at any other time when the hands may have become soiled or contaminated;

3. Refrain from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

(4) A Secure Transporter licensee and each stakeholder shall not have an interest in a Growing, Processor, Provisioning, or Safety Compliance Facility and shall not be a registered qualifying patient or a registered primary caregiver.

(5) A Secure Transporter shall enter all transactions, current inventory, and other information as required by the state into the statewide monitoring system as required by law.

(6) A Secure Transporter shall comply with all of the following:

i. Each driver transporting marihuana must have a chauffeur's license issued by the state;

ii. Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past five (5) years or have been convicted of a misdemeanor involving a controlled substance within the past five (5) years;

iii. Each vehicle shall be operated with a two person crew with at least one individual remaining with the vehicle at all times during the transportation of marihuana;

iv. A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle

and presented to a law enforcement officer upon request;

v. The Medical Marihuana shall be transported by one or more sealed containers and not be accessible while in transit;

vi. A Secure transporting vehicle shall not bear markings or other indication that it is carrying Medical Marihuana or a marihuana infused product.

(7) A vehicle used by a Secure Transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of Medical Marihuana to determine compliance with all state and local laws, rules, regulations and ordinances.

#### K. Minimum Operating Standards of Commercial Medical Marihuana Safety Compliance Facility

The following minimum standards for Safety Compliance facilities shall apply

(1) The Safety Compliance Facility shall comply at all times and in all circumstances with the MMMA and Medical Marihuana Facilities Licensing Act or applicable State laws, , THE MRTMA, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time;

(2) Consumption and/or use of Marihuana shall be prohibited at the facility;

(3) The premises shall be open, at all times, to any Michigan ~~Medical—Marihuana Licensing Board~~ **REGULATORY AGENCY** investigators, agents, auditors, the state police, local police, local fire inspectors or local building and safety inspection officials, without a warrant and without notice to the licensee, enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or noncompliance with the MMMA and Medical Marihuana Facilities Licensing Act, **THE MRTMA**, or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:

i. To inspect and examine all premises of Medical Marihuana Facilities;

ii. To inspect, examine, and audit relevant records of the licensee and, if the licensee or any managerial employees or employees fails to cooperate with an investigation, impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money

receptacles, or equipment in which the records are stored;

iii. To inspect the person, and inspect or examine personal effects present in a ~~Medical~~ Marihuana Facility, of any holder of state operating license while that person is present in a ~~Medical~~ Marihuana Facility;

iv. To investigate alleged violations of the MMMA and Medical Marihuana Facilities Licensing Act, **THE MRTMA**, or applicable state laws.

(4) Any Safety Compliance Facility shall maintain a log book and/or database which complies with the MMMA, **THE MRTMA** and Medical Marihuana Facilities Licensing Act or applicable state laws;

(5) All ~~Medical~~ Marihuana shall be contained within the building in an enclosed, locked facility in accordance with the MMMA, as amended, **THE MRTMA** and Medical Marihuana Facilities Licensing Act or applicable state laws;

(6) There shall be no other accessory uses permitted within the same facility other than those associated with testing ~~Medical~~ Marihuana;

(7) All persons working in direct contact with ~~Medical~~ Marihuana shall conform to hygienic practices while on duty;

(8) Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where Medical Marihuana is exposed;

(9) Floors, walls and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair;

(10) Any buildings, fixtures and other facilities shall be maintained in a sanitary condition;

(11) Medical-Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms;

(12) The premises shall be open, at all times, to any Michigan Medical Marihuana Licensing Board REGULATORY AGENCY investigators, agents, auditors, the state police, local police, local fire inspectors or local building and safety inspection officials, without a warrant and without notice to the holder of the license, enter the premises, offices, facilities, or other places of business of a licensee, if evidence of compliance or noncompliance with the MMMA and Medical Marihuana Facilities Licensing Act, THE MRTMA, or applicable state laws is likely to be found and consistent with constitutional

limitations, for the following purposes:

i. To inspect and examine all premises of Medical Marihuana Facility.

ii. To inspect, examine, and audit relevant records of the licensee and, if the holder of the license or any of the managerial employees or employees fail to cooperate with an investigation, impound, seize, resume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored.

iii. To inspect the person, and inspect or examine personal effects present in a Medical Marihuana Facility, of any holder of state operating license while that person is present in a Medical Marihuana Facility.

iv. To investigate alleged violations of the MMMA and Medical Marihuana Facilities Licensing Act, THE MRTMA, or applicable state laws.

**L. MINIMUM OPERATING STANDARDS OF**

**MARIJUANA  
MICROBUSINESSES**

**THE FOLLOWING MINIMUM  
STANDARDS FOR  
MICROBUSINESSES SHALL  
APPLY:**

- (1) OPERATING HOURS FOR  
RETAIL CUSTOMERS  
SHALL LIMITED TO  
BETWEEN 8:00 A.M. AND  
7:00 P.M. MONDAY  
THROUGH SATURDAY  
AND 12:00 NOON AND 6:00  
P.M. SUNDAY;**
- (2) A MICROBUSINESS SHALL  
NOT BE CO-LOCATED ON  
THE SAME PARCEL WITH  
ANOTHER GROUP "E" OR  
GROUP "F" SPECIAL  
REGULATED USE;**
- (3) CONSUMPTION OF  
MARIHUANA SHALL BE  
PROHIBITED ON THE  
PREMISES OF A  
MICROBUSINESS, AND A  
SIGN SHALL BE POSTED  
ON THE PREMISES OF  
EACH MICROBUSINESS  
INDICATING THAT  
CONSUMPTION IS  
PROHIBITED ON THE  
PREMISES;**
- (4) PURSUANT TO SECTION  
E., 2., XII., 1. & 2.,  
MICROBUSINESSES  
SHALL CONTINUOUSLY  
MONITOR THE ENTIRE  
PREMISES ON WHICH  
THEY ARE OPERATED  
WITH SURVEILLANCE  
SYSTEMS THAT INCLUDE  
SECURITY CAMERAS;**

- (5) UNLESS PERMITTED BY  
THE MMMA, THE  
MEDICAL MARIHUANA  
FACILITIES LICENSING  
ACT, THE MRTMA OR  
APPLICABLE STATE LAW,  
PUBLIC OR COMMON  
AREAS OF THE  
MICROBUSINESS MUST BE  
SEPARATED FROM  
RESTRICTED OR NON-  
PUBLIC AREAS OF THE  
PROVISIONING CENTER  
OR RETAILER BY A  
PERMANENT BARRIER.  
UNLESS PERMITTED BY  
THE MMMA, THE  
MEDICAL MARIHUANA  
FACILITIES LICENSING  
ACT, THE MRTMA OR  
APPLICABLE STATE LAW,  
NO MARIHUANA IS  
PERMITTED TO BE  
STORED, DISPLAYED, OR  
TRANSFERRED IN AN  
AREA ACCESSIBLE TO  
THE GENERAL PUBLIC;**
- (6) ALL MARIHUANA  
STORAGE, GROW AND/OR  
PROCESSING AREAS  
WITHIN THE  
MICROBUSINESS MUST BE  
SEPARATED FROM ANY  
CUSTOMER/PATIENT  
AREAS BY A PERMANENT  
BARRIER. UNLESS  
PERMITTED BY THE  
MMMA, THE MEDICAL  
MARIHUANA FACILITIES  
LICENSING ACT, THE  
MRTMA OR APPLICABLE  
STATE LAW, NO  
MARIHUANA IS  
PERMITTED TO BE  
STORED IN AN AREA  
ACCESSIBLE BY THE  
GENERAL PUBLIC OR**

REGISTERED CUSTOMERS/PATIENTS. MARIHUANA MAY BE DISPLAYED IN A SALES AREA ONLY IF PERMITTED BY THE MMMA, THE MRTMA OR THE MEDICAL MARIHUANA FACILITIES LICENSING ACT;

- (7) ANY USABLE MARIHUANA REMAINING ON THE PREMISES OF A MICROBUSINESS WHILE THE MICROBUSINESS IS NOT IN OPERATION SHALL BE SECURED IN A SAFE PERMANENTLY AFFIXED TO THE PREMISES;
- (8) DRIVE-THROUGH WINDOW(S) ON THE PREMISES OF A MICROBUSINESS SHALL NOT BE PERMITTED;
- (9) MICROBUSINESS SHALL NOT ALLOW THE SALE, CONSUMPTION, OR USE OF ALCOHOL OR TOBACCO PRODUCTS ON THE PREMISES;
- (10) NO MICROBUSINESS SHALL BE OPERATED IN A MANNER CREATING NOISE, DUST, VIBRATION, GLARE, FUMES, OR ODORS DETECTABLE TO NORMAL SENSES BEYOND THE BOUNDARIES OF THE PROPERTY ON WHICH THE MICROBUSINESS IS OPERATED;
- (11) THE LICENSE REQUIRED BY THIS

ORDINANCE SHALL BE PROMINENTLY DISPLAYED ON THE PREMISES OF A MICROBUSINESS;

- (12) THE PREMISES SHALL BE OPEN, AT ALL TIMES, TO ANY MICHIGAN MARIHUANA REGULATORY AGENCY INVESTIGATORS, AGENTS, AUDITORS, THE STATE POLICE, LOCAL POLICE, LOCAL FIRE INSPECTORS OR LOCAL BUILDING AND SAFETY INSPECTION OFFICIALS, WITHOUT A WARRANT AND WITHOUT NOTICE TO THE HOLDER OF THE LICENSE, ENTER THE PREMISES, OFFICES, FACILITIES, OR OTHER PLACES OF BUSINESS OF A LICENSEE, IF EVIDENCE OF COMPLIANCE OR NONCOMPLIANCE WITH THE MMMA AND THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA OR APPLICABLE STATE LAWS IS LIKELY TO BE FOUND AND CONSISTENT WITH CONSTITUTIONAL LIMITATIONS, FOR THE FOLLOWING PURPOSES:

- i. TO INSPECT AND EXAMINE ALL PREMISES OF MARIHUANA FACILITY;
- ii. TO INSPECT, EXAMINE, AND AUDIT RELEVANT RECORDS OF THE LICENSEE AND, IF

THE HOLDER OF THE LICENSE OR ANY OF THE MANAGERIAL EMPLOYEES OR EMPLOYEES FAILS TO COOPERATE WITH AN INVESTIGATION, IMPOUND, SEIZE, ASSUME PHYSICAL CONTROL OF, OR SUMMARILY REMOVE FROM THE PREMISES ALL BOOKS, LEDGERS, DOCUMENTS, WRITINGS, PHOTOCOPIES, CORRESPONDENCE, RECORDS, AND VIDEOTAPES, INCLUDING ELECTRONICALLY STORED RECORDS, MONEY RECEPTACLES, OR EQUIPMENT IN WHICH THE RECORDS ARE STORED;

iii. TO INSPECT THE PERSON, AND OR EXAMINE PERSONAL EFFECTS PRESENT IN A MARIHUANA FACILITY, OF ANY HOLDER OF STATE OPERATING LICENSE WHILE THAT PERSON IS PRESENT IN A MARIHUANA FACILITY;

iv. TO INVESTIGATE ALLEGED VIOLATIONS OF THE MMMA, AND THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, THE MRTMA OR APPLICABLE STATE LAWS.

(13) THE MICROBUSINESS SHALL COMPLY AT ALL TIMES AND IN ALL CIRCUMSTANCES WITH THE MICHIGAN MEDICAL MARIHUANA ACT, THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, , THE MRTMA, AND THE GENERAL RULES OF THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, AS THEY MAY BE AMENDED FROM TIME TO TIME;

(14) ANY MICROBUSINESS SHALL MAINTAIN A LOG BOOK AND/OR DATABASE INDICATING THE NUMBER OF MARIHUANA PLANTS THEREIN. EACH MARIHUANA PLANT WILL BE TAGGED AS REQUIRED BY THE MMMA AND MEDICAL MARIHUANA FACILITIES LICENSING ACT;

(15) ALL NECESSARY BUILDING, ELECTRICAL PLUMBING AND MECHANICAL PERMITS SHALL BE OBTAINED FOR

ANY PORTION OF THE  
STRUCTURE IN WHICH  
ELECTRICAL WIRING,  
LIGHTING AND/OR  
WATERING DEVICES  
THAT SUPPORT THE  
MICROBUSINESSES'  
GROWING OR  
HARVESTING OF  
MARIHUANA ARE  
LOCATED;

- (16) THAT PORTION OF  
THE STRUCTURE  
STORING ANY  
CHEMICALS SUCH AS  
HERBICIDES, PESTICIDES,  
AND FERTILIZERS SHALL  
BE SUBJECT TO  
INSPECTION AND  
APPROVAL BY THE CITY  
OF FLINT FIRE  
DEPARTMENT TO INSURE  
COMPLIANCE WITH ALL  
APPLICABLE STATUTES,  
CODES AND ORDINANCES;

- (17) ALL PERSONS  
WORKING IN DIRECT  
CONTACT WITH  
MARIHUANA SHALL  
CONFORM TO HYGIENIC  
PRACTICES WHILE ON  
DUTY, INCLUDING BUT  
NOT LIMITED TO:

i. MAINTAINING  
ADEQUATE  
PERSONAL  
CLEANLINESS;

ii. WASHING HANDS  
THOROUGHLY IN  
ADEQUATE HAND-  
WASHING AREAS  
BEFORE STARTING  
WORK AND AT ANY  
OTHER TIME WHEN  
THE HANDS MAY

HAVE BECOME  
SOILED OR  
CONTAMINATED;

- iii. REFRAINING FROM  
HAVING DIRECT  
CONTACT WITH  
MARIHUANA IF THE  
PERSON HAS OR  
MAY HAVE AN  
ILLNESS, OPEN  
LESION, INCLUDING  
BOILS, SORES OR  
INFECTED WOUNDS,  
OR ANY OTHER  
ABNORMAL  
SOURCE OF  
MICROBIAL  
CONTAMINATION,  
UNTIL THE  
CONDITION IS  
CORRECTED.

- (18) LITTER AND WASTE  
SHALL BE PROPERLY  
REMOVED AND THE  
OPERATING SYSTEMS  
FOR WASTE DISPOSAL  
SHALL BE MAINTAINED  
IN AN ADEQUATE  
MANNER SO THAT THEY  
DO NOT CONSTITUTE A  
SOURCE OF  
CONTAMINATION IN THE  
AREAS WHERE  
MARIJUANA IS EXPOSED.

- (19) FLOORS, WALLS  
AND CEILINGS SHALL BE  
CONSTRUCTED IN SUCH A  
MANNER THAT THEY  
MAY BE ADEQUATELY  
CLEANED AND KEPT  
CLEAN AND IN GOOD  
REPAIR;

- (20) THERE SHALL BE  
ADEQUATE SCREENING  
OR OTHER PROTECTION



AGAINST THE ENTRY OR PESTS. RUBBISH SHALL BE DISPOSED OF SO AS TO MINIMIZE THE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR THE WASTE DEVELOPMENT OF ODOR AND MINIMIZE THE POTENTIAL FOR WASTE BECOMING AND ATTRACTANT, HARBORAGE OR BREEDING PLACES FOR PESTS;

(21) ANY BUILDINGS, FIXTURES AND OTHER FACILITIES SHALL BE MAINTAINED IN A SANITARY CONDITION;

(22) EACH MICROBUSINESS FACILITY SHALL PROVIDE ITS OCCUPANTS WITH ADEQUATE AND READILY ACCESSIBLE TOILET FACILITIES THAT ARE MAINTAINED IN A SANITARY CONDITION AND GOOD REPAIR;

(23) MARIHUANA THAT CAN SUPPORT THE RAPID GROWTH OF UNDESIRABLE MICROORGANISMS SHALL BE HELD IN A MANNER THAT PREVENTS THE GROWTH OF THESE MICROORGANISMS;

(24) MICROBUSINESSES SHALL BE FREE FROM INFESTATION BY INSECTS, RODENTS, BIRDS, OR VERMIN OR ANY KIND;

(25) ALL GROWING, PROCESSING AND RETAIL ACTIVITY RELATED TO THE MICROBUSINESS SHALL BE DONE INDOORS;

M. Location of Group "E" Special Regulated Uses

(1) Group "E" Special Regulated Uses shall be limited to the "D-5", "D-6", "E", "F", & "G" zoning districts. ~~For these Special Regulated Uses there shall be no other accessory uses permitted within the same facility other than those associated with the Provisioning of Medical Marijuana to registered patients.~~

(2) Group "E" Special Regulated Uses. An application to establish a Group "E" Special Regulated Use shall not be approved if there is already in existence four or more Group "A" or Group "E" Special Regulated Uses within 2,000 feet of the boundaries of the site of the proposed regulated use.

(3) Group "E" Special Regulated Use. An application to establish a Group "E" Special Regulated Use shall not be approved if the proposed location is within 1,000 feet of a Pre-K through 12 school, or within 500 feet from a dedicated public park (except for the trail, known as the flint river trail/iron belle trail, itself, where the principal use of the park space is for the flint river trail) or place of worship; or if the proposed location is within 300 feet of a residential property or residentially zoned district,

**UNLESS OTHERWISE  
EXEMPTED BY CITY  
CODE.**

- (4) Medical Research Facility Exemption - a medical research facility is bound by the locational standards for its proposed medical marihuana-related uses, including those set forth for groups "e," "f" or "g," except that the 300 foot residential zone exclusion does not apply. Such medical research facilities must still be 1,000 feet from pre-k through 12 schools, and 500 feet from places of worship and dedicated public parks.

**N. Location of Group "F" and "G" Special Regulated Uses**

- (1) Group "F" and "G" Special Regulated Uses shall be limited to the "E", "F", & "G" industrial zoning districts. For Special Regulated Uses there shall be no other accessory uses permitted within the same facility.
- (2) Group "F" and "G" Special Regulated Use. An application to establish a Group "F" and "G" Special Regulated Use shall not be approved if the proposed location is within 1,000 feet of a Pre-K through 12 school, or within 500 feet from a dedicated public park (except for the trail, known as the flint river trail/iron belle trail, itself, where the principal use of the park space is for the flint river trail), or place of worship; or if the proposed location is within 300 feet of a residential property or residentially zoned district, **UNLESS OTHERWISE**

**EXEMPTED BY CITY  
CODE.**

- (3) Medical Research Facility Exemption - a medical research facility is bound by the locational standards for its proposed medical marihuana-related uses, including those set forth for groups "e," "f" or "g," except that the 300 foot residential zone exclusion does not apply. Such medical research facilities must still be 1,000 feet from pre-k through 12 schools, and 500 feet from places of worship and dedicated public parks.

**O. LOCATION OF GROUP "G"  
SPECIAL REGULATED USES**

- (1) GROUP "G" SPECIAL REGULATED USES SHALL BE LIMITED TO THE "D-3," "D-4," "D-5," "D-6," "E", "F", & "G" ZONING DISTRICTS.
- (2) GROUP "G" SPECIAL REGULATED USE. AN APPLICATION TO ESTABLISH A GROUP "G" SPECIAL REGULATED USE SHALL NOT BE APPROVED IF THE PROPOSED LOCATION IS WITHIN 1,000 FEET OF A PRE-K THROUGH 12 SCHOOL, OR WITHIN 500 FEET FROM A DEDICATED PUBLIC PARK (EXCEPT FOR THE TRAIL, KNOWN AS THE FLINT RIVER TRAIL/IRON BELLE TRAIL, ITSELF, WHERE THE PRINCIPAL USE OF THE PARK SPACE IS FOR THE FLINT RIVER TRAIL) OR PLACE OF WORSHIP; OR IF THE PROPOSED

**LOCATION IS WITHIN 300 FEET OF A RESIDENTIAL PROPERTY OR RESIDENTIALLY ZONED DISTRICT, UNLESS OTHERWISE EXEMPTED BY CITY CODE.**

**P. Denial and Revocation**

- (1) A license issued under this Ordinance may be revoked after an administrative hearing at which the Planning Commission by majority vote of members present, determines that any grounds for revocation under this Ordinance exist. Notice of the time and place of the Hearing and the grounds for revocation must be given to the holder of license at least five days prior to the date of the hearing, by first class mail to the address given on the license application; a licensee whose license is subject of such Hearing may present evidence and/or call witnesses at the Hearing;

- (2) A license applied for or issued under this Ordinance may be denied or revoked on any of the following basis:

- i. Violation of this Ordinance;
- ii. Any conviction of or release from incarceration for a felony under the laws of this State, any other state, or the United States within the past five (5) years by the Applicant or any stakeholder of the Applicant as measured

from the date of the Application or the date of becoming a stakeholder, whichever occurs later, or while licensed under this Ordinance; or any conviction of a substantial felony by the Applicant or any stakeholder of the Applicant ever while licensed under this Ordinance;

Commission of fraud or misrepresentation or the making of a false statement by the Applicant or any stakeholder of the Applicant while engaging in any activity for which this Ordinance requires a license;

- iv. Sufficient evidence that the Applicant(s) lack, or have failed to demonstrate, the requisite professionalism and/or business experience required to assure strict adherence to this Ordinance and the rules and regulations governing the Medical Marihuana Program, **THE MMFLA, AND/OR THE MRTMA**, in the State of Michigan;
- v. The Medical-Marihuana Facility is determined by the City of Flint to have become a public nuisance;

vi. The Michigan Medical Marihuana Licensing Board-REGULATORY AGENCY has denied, revoked or suspended the applicant's state license.

(3) Any Special Regulated Use that ceases for more than 30 days shall not be resumed except by application and approval pursuant to §50-162, unless the hiatus is caused by a temporary revocation or suspense of the license and is pending a Planning Commission hearing.

**Q. RESIDENT-INITIATED**

**HEARINGS; Penalties; Temporary Suspension of a License; Seizure and Forfeiture**

(1) A PERSON, WHO LIVES, WORKS, AND/OR REGULARLY VISITS A NEIGHBORHOOD IN WHICH A MARIJUANA FACILITY IS LOCATED, MAY MAKE A FORMAL COMPLAINT TO THE ZONING COORDINATOR OR HIS/HER DESIGNEE REGARDING ANY NUISANCE(S) OR VIOLATIONS OF CITY CODE BY THE FACILITY, INCLUDING BY NOT LIMITED TO NUISANCES CAUSED BY ITS CUSTOMERS OR ITS EMPLOYEES, WHICH SHALL TRIGGER A CASE REVIEW AT THE NEXT AVAILABLE PLANNING COMMISSION MEETING.

i. THE COMPLAINANT AND THE LICENSEE, AS RESPONDENT

FOR THE MARIJUANA FACILITY, SHALL BE NOTIFIED OF THE DATE AND TIME OF THE CASE REVIEW.

ii. THE COMPLAINANT, THE RESPONDENT LICENSEE, AND ANY MEMBER(S) OF THE PUBLIC MAY ADDRESS THE PLANNING COMMISSION TO ADDRESS THE ALLEGATIONS AND THE ISSUES GIVING RISE THERETO.

iii. IF THIS CASE REVIEW PROCESS DOES NOT ADDRESS AND CORRECT THE ISSUE(S) GIVING RISE TO THE COMPLAINT(S), AFTER SUFFICIENT TIME FOR THE RESPONDENT TO INITIATE CORRECTIVE ACTION(S), THE CITY SHALL INVESTIGATE FOR VIOLATION(S) OF THIS ORDINANCE AND THE CITY CODE AND, IF VIOLATION(S) ARE SUBSTANTIATED, INITIATE LICENSE SUSPENSION AND REVOCATION, AS OUTLINED IN THE AFOREMENTIONED

**SECTION Q OF THIS  
ORDINANCE.**

(2) The City of Flint may require an applicant or holder of license of a Medical-Marihuana Facility to produce documents, records, or any other material pertinent to the investigation of an application or alleged violation of this Ordinance. Failure to provide the required material may be grounds for application denial, license revocation, or license suspension;

(3) Any person in violation of any provision of this Ordinance or any provision of a license issued under this Ordinance is responsible for a misdemeanor, punishable by fine of up to \$500.00 per violation plus cost of prosecution, 90 days imprisonment, or both, for each violation. Each plant possessed by any person in excess of the licensed quantity of plants permitted shall be a separate violation of this ordinance; and as such each plant in excess of the licensed quantity may be immediately confiscated for destruction. Any person in violation of this Ordinance is also subject to license revocation, as outlined in the aforementioned Section N. Q Immediate, temporary revocation or suspension of the Special Regulated Use license may be issued by the City's Zoning Coordinator, Director of Planning & Development, or their designee. This temporary suspension or revocation will not be rescinded until the Flint Planning Commission holds a

hearing with the applicant to discuss the violations and votes on whether to uphold the suspension or revocation. This section is not intended to prevent enforcement of any provision of the State law by the City of Flint Police Department;

(4) All fines imposed under this Ordinance shall be paid within forty-five (45) days after the effective date of the order imposing the fine or as otherwise specified in the order;

(5) Two or more violations of this ordinance within a six (6) month period by any individual offender shall be considered a public nuisance, and in the interest of such nuisance abatement, may result in the seizure and destruction of the marihuana plants, and/or marihuana product(s), and forfeiture of other related assets, in order to deter and prevent such nuisances and protect the health, safety and welfare of the City of Flint.

(6) The Planning Commission may temporarily suspend a Medical Marihuana Facility License without a hearing if it finds that public safety or welfare requires emergency action. The Planning Commission shall cause the temporary suspension by issuing a Suspension Notice by majority vote of members present and voting thereon in connection with institution of proceedings for a Hearing;

(7) If the Planning Commission temporarily suspends a license without a Hearing, the holder of

license is entitled to a hearing within thirty (30) days after the Suspension Notice has been issued. The hearing shall be limited to the issues cited in the Suspension Notice;

- (8) If the Planning Commission does not hold a hearing within thirty (30) days after the date of suspension was issued, then the suspended license shall be automatically reinstated and the suspension vacated.

R. Lawful Non-Conforming and Grandfathered Locations

- (1) Any Provisioning Center applicant granted Group "E" Special Regulated Use approval under the previous City of Flint Medical Marihuana Provisioning Center ordinance (50-161; & 12-XVI), prior to the adoption date of this ordinance on (insert date of adoption) and additionally, has undergone and successfully fulfilled the required "annual re-licensing process", and having been granted a 2017-2018 Special Regulated Use Group "E" license, will retain legal non-conforming rights and become a legal, conforming use.

- (2) The collective amount of these grandfathered licenses will be subtracted from the license allocation amount listed in Section C.,2,i. (Medical Marihuana Provisioning Centers), with the difference representing the definite available allocation of Group "E" Special Regulated Use licenses available to the public;

~~pending approval for licensure by the State of Michigan.~~

- i. ~~Applicants who have fulfilled the relicensing requirements and successfully obtained a 2017-2018 Group "E" Medical Marihuana Provisioning Center License, will be granted an additional six (6) month extension to become compliant under the new terms of the Group "E" Special Regulated Use License, (insert ordinance number).~~

- ii. ~~Failure to become compliant under the revised Group "E" Special Regulated Use standards within a six (6) month period, will result in immediate revocation of the grandfathered license. Any number of licenses that are revoked will be added to the allocation amount listed in Section C.2,i. (Medical Marihuana Provisioning Centers).~~

- (3) Any previously licensed Medical Marihuana Cultivation or Growing Facility who received a Special Regulated Use Group "E" permit from the Flint Planning Commission, will not be eligible to gain grandfathered status and will not be treated as a lawful, non-conforming land use. Facilities and applicants who have previously been issued a Group "E" Special Regulated Use for

Cultivation or Growing of Medical Marihuana are required to resubmit applications to the Flint Planning Commission to obtain a Group "F" Commercial Medical Marihuana Growing Center permit and must adhere to the minimum operating standards as referenced in Section H. and the any location of a Growing Center must adhere to the standards established in Section M. "Location of a Group "F" and "G" Special Regulated Use.

- (4) AN APPLICANT FOR AN ADDITIONAL LICENSE AT A LOCATION THAT IS A LAWFUL NON-CONFORMING USE, WHOSE LOCATION DOES NOT MEET THE LOCATIONAL REQUIREMENTS OF DISTANCES FROM RESIDENTIALLY-ZONED PROPERTY, SCHOOLS, PARKS OR PLACES OF WORSHIP, AND/OR DOES NOT MEET THE ZONING CLASSIFICATION REQUIRED UNDER THIS ORDINANCE, IS INELIGIBLE FOR ADMINISTRATIVE APPROVAL DESCRIBED IN SUBSECTION (F) AND MUST UNDERGO A PUBLIC HEARING BEFORE THE PLANNING COMMISSION PRIOR TO RECEIVING ANY ADDITIONAL LICENSE(S).

S. Transfer of Medical Marihuana Facility Licenses; Process

- (1) Special Regulated Use permits are issued to the Applicant, and not to the location. Any changes to the Special Regulated Use permit, including a change in ownership, requires approval by City, as outlined below.

- i. If the original applicant retains partial ownership, with no modification to previously approved site plans or floor plans, pending successful completion of a background check for any new owner(s), the new owner(s) would be administratively added to the Special Regulated Use Permit by the City's Zoning Coordinator upon payment of a nonrefundable Special Regulated Use Permit Application fee.
- ii. If ownership will be transferred entirely from the original applicant to a new individual, partnership or other corporate entity, but with no modification to previously approved site plans or floor plans, the transfer requires payment of a nonrefundable Special Regulated Use Permit Application fee, completion of a background check for any new owner(s), and public hearing before the Planning Commission for approval of the transfer of the applicable

Special Regulated Use Permit(s).

- iii. If there is any transfer, full or partial, of ownership that accompanies modification of previously approved site plans or floor plans, the Application will be treated as a new Special Use Permit application including all applicable site plan reviews, approvals and public hearing.

- iv. ANY CHANGE IN LOCATION OF A SPECIAL REGULATED USE, WITH OR WITHOUT A TRANSFER OF LEGAL OWNERSHIP SHALL BE TREATED AS A NEW APPLICATION. THAT APPLICATION MAY BE REVIEWED BY THE PLANNING COMMISSION AT THE NEXT AVAILABLE PUBLIC MEETING DATE FOLLOWING THE SUBMISSION OF ALL NECESSARY DOCUMENTS, AND IS NOT REQUIRED TO AWAIT THE EXHAUSTION OF THE EXISTING LIST OF PROVISIONING CENTER AND/OR RETAIL ESTABLISHMENT LOCATIONS, TO

**THE EXTENT SUCH A LIST EXISTS AND APPLIES.**

**T. Group "E", "F" and "G" License Location Appeals Process**

- (1) The Medical Marihuana Facilities Licensing Analysis "maps", developed and administered by the Planning & Zoning Division, symbolizes a spatial analysis performed utilizing the criteria listed in Section N., 1.-3. (Location of Group "E" Special Regulated Uses) and in Section M. O., 1.-3 AND P. 1.-3. (Location of Group "F" and "G" Special Regulated Uses, RESPECTIVELY). Any potential location of a Group "E", "F" or "G" Medical Marihuana Facilities license is appealable to the Flint Planning Commission. A \$5,000, non-refundable appeals fee is required upon submitting an application for a location appeal. An applicant submitting an appeal must clearly demonstrate an "undue hardship" and "prove that special and unusual conditions pertaining to the specific piece of property are warranted" for a variance to be granted.

- i. No such variance shall be authorized by the Planning Commission unless the Commission finds that all of the following facts and conditions exist:

1. The proposed use will not alter the essential



character of the  
area.

2. The problem was not a self-created hardship.
3. The use will be compatible with adjacent uses of land.
4. The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
5. Issuance of the variance would still ensure that the spirit of the ordinance is intact.

#### **U. COMMUNITY BENEFIT LOCATIONAL EXEMPTIONS**

- (1) **SOCIAL EQUITY  
PROGRAM EXEMPTION -  
APPLICANTS WHO APPLY  
FOR A GROUP "G" SRU,  
IE. A MICROBUSINESS  
LICENSE, OR WHO APPLY  
FOR A GROUP "F" SRU  
STRICTLY FOR A CLASS  
"A" GROW FACILITY,  
MAY BE ELIGIBLE FOR AN  
EXCEPTION FROM THE  
300 RESIDENTIAL  
DISTANCE  
REQUIREMENT, WITHOUT  
THE NEED FOR A  
LOCATION VARIANCE,  
PROVIDED THAT THEY**

#### **MEET THE FOLLOWING CRITERIA:**

- I. **THE APPLICANT,  
EITHER AS AN  
INDIVIDUAL OR  
ALL OF THE  
MEMBERS OF A  
PARTNERSHIP OR  
OTHER  
CORPORATE  
ENTITY APPLICANT,  
IS A RESIDENT OF  
THE CITY OF FLINT;  
AND**
- II. **THE APPLICANT,  
EITHER AS AN  
INDIVIDUAL OR  
ALL OF THE  
MEMBERS OF A  
PARTNERSHIP OR  
OTHER  
CORPORATE  
ENTITY APPLICANT,  
IS PRE-APPROVED  
IN THE STATE OF  
MICHIGAN'S  
SOCIAL EQUITY  
PROGRAM; AND**
- III. **THE APPLICATION  
IN QUESTION IS FOR  
A PARCEL ZONED  
D3 OR D4 FOR A  
MICROBUSINESSES,  
OR ZONED E FOR A  
CLASS A GROW  
FACILITY; AND**
  1. **THE  
APPLICANT  
MUST BE  
ABLE TO  
DEMONSTRATE  
THAT  
THEIR  
PROPOSED  
FACILITY**

WILL  
DEMONSTRAB  
LY BE AN  
ASSET TO  
THE  
NEIGHBORHO  
OD, AND AS  
CONSTRUCTE  
D AND  
OPERATED BY  
THE  
APPLICANT  
WILL NOT  
HAVE ANY,  
OR MINIMAL,  
NEGATIVE  
SECONDARY  
EFFECTS ON  
THE  
NEIGHBORHO  
OD.

NEGATIVE  
SECONDARY  
EFFECTS CAN  
INCLUDE THE  
FOLLOWING  
IMPACTS:

2. VEHICULAR  
AND  
PEDESTRIAN  
TRAFFIC;
3. NOISE,  
ODORS, OR  
LIGHTS THAT  
EMANATE  
BEYOND THE  
SITE'S  
BOUNDARIES  
ONTO  
PROPERTY IN  
THE AREA ON  
WHICH  
THERE ARE  
RESIDENTIAL  
DWELLINGS;

4. EXCESSIVE  
NUMBERS OF  
PERSONS  
GATHERING  
OUTSIDE THE  
ESTABLISHM  
ENT;

5. PEAK HOURS  
OF USE THAT  
ADD TO  
CONGESTION  
OR OTHER  
NEGATIVE  
EFFECTS IN  
THE  
NEIGHBORHO  
OD.

THE APPLICATION FOR  
AN APPLICABLE PARCEL  
WOULD REMAIN SUBJECT  
TO THE OTHER  
LOCATIONAL CRITERIA,  
NOTWITHSTANDING THE  
EXCEPTION OUTLINED  
ABOVE. AN APPLICANT  
WHO ELECTS NOT TO  
PARTICIPATE IN THIS  
VOLUNTARY EXEMPTION  
PLAN PROCESS MAY  
ALTERNATIVELY SEEK A  
LOCATIONAL VARIANCE  
BEFORE THE PLANNING  
COMMISSION.

- (2) BLIGHT ELIMINATION  
PLAN EXEMPTION -  
APPLICANTS WHO APPLY  
FOR A GROUP "E," GROUP  
"F," AND/OR GROUP "G"  
SPECIAL REGULATED USE  
PERMIT, FOR A PARCEL  
WITHIN 300 FEET OF  
RESIDENTIALLY ZONED  
PARCEL(S), MAY APPLY  
FOR A BLIGHT  
ELIMINATION PLAN  
EXEMPTION, TO ALLOW

THE APPLICANT TO  
RECEIVE THE  
RESPECTIVE SRU(S)  
WITHOUT A VARIANCE,  
PROVIDED THAT THEY  
MEET THE FOLLOWING  
CRITERIA:

i. THE APPLICANT  
MUST MEET WITH  
THE CITY OF FLINT  
BLIGHT  
ELIMINATION  
DIVISION TO  
DISCUSS BLIGHT  
ISSUES WITHIN  
NEIGHBORHOOD OF  
THE PARCEL  
SUBJECT TO THE  
SRU APPLICATION;  
AND

ii. THE APPLICANT  
MUST MEET WITH  
MEMBERS  
SURROUNDING  
NEIGHBORHOOD  
AND THE  
SURROUNDING  
NEIGHBORHOOD  
ASSOCIATION (IN  
THE EVENT THAT  
ONE EXISTS), TO  
DISCUSS BLIGHT  
ISSUES WITHIN THE  
AREA; AND

iii. THE APPLICANT  
MUST MEET WITH  
THE SURROUNDING  
NEIGHBORHOOD  
AND THE  
SURROUNDING  
NEIGHBORHOOD  
ASSOCIATION (IN  
THE EVENT THAT  
ONE EXISTS) TO  
DISCUSS THEIR

BUSINESS PLAN;  
AND

iv. THE APPLICANT  
THAT MUST  
PRESENT A PLAN  
TO ELEVATE  
BLIGHT ISSUES,  
SPECIFICALLY BUT  
NOT LIMITED TO  
ANY BLIGHT ISSUES  
WITHIN 300 FEET OF  
THE PARCEL  
SUBJECT TO THE  
SRU APPLICATION,  
TO THE FLINT  
PLANNING  
COMMISSION AT A  
PUBLIC HEARING;  
AND

1. SUCH A PLAN  
MUST  
INCLUDE A  
CAPITAL  
INVESTMENT  
TO ADDRESS  
STRUCTURAL  
BLIGHT IN  
THE AREA IN  
THE FIRST  
YEAR OF THE  
APPLICANT'S  
BUSINESS  
OPERATION;  
AND

2. SUCH A PLAN  
MUST ALSO  
INCLUDE A  
CAPITAL  
INVESTMENT  
TO ADDRESS  
NON-  
STRUCTURAL  
BLIGHT  
ANNUALLY  
FOR FIRST  
FIVE YEARS

OF  
APPLICANT'S  
BUSINESS  
OPERATION;  
AND

- v. THE APPLICANT'S  
BLIGHT  
ELIMINATION PLAN  
MUST BE  
APPROVED BY THE  
PLANNING  
COMMISSION, AND  
MUST  
SUBSEQUENTLY BE  
PUT INTO EFFECT  
AND CONTINUED AS  
THE APPLICANT  
OPERATES WITH  
THEIR LICENSE(S)  
INTO THE FUTURE.  
FAILURE TO  
UPHOLD SUCH  
COMMITMENTS  
MAY BE GROUNDS  
FOR NON-RENEWAL  
OF LICENSE(S),  
AND/OR MAY BE  
SUBJECT TO THE  
LICENSE  
REMOVAL  
PROCESS OUTLINED  
IN THIS  
ORDINANCE.

THE APPLICATION FOR  
AN APPLICABLE PARCEL  
WOULD REMAIN SUBJECT  
TO THE OTHER  
LOCATIONAL CRITERIA,  
NOTWITHSTANDING THE  
EXCEPTION OUTLINED  
ABOVE, HOWEVER THIS  
EXCEPTION MAY BE USED  
IN CONJUNCTION WITH  
THE PARK  
BEAUTIFICATION PLAN  
EXEMPTION OUTLINED

BELOW. AN APPLICANT  
WHO ELECTS NOT TO  
PARTICIPATE IN THIS  
VOLUNTARY EXEMPTION  
PLAN PROCESS MAY  
ALTERNATIVELY SEEK A  
LOCATIONAL VARIANCE  
BEFORE THE PLANNING  
COMMISSION.

- (3) PARK BEAUTIFICATION  
PLAN EXEMPTION -  
APPLICANTS WHO APPLY  
FOR A GROUP "E," GROUP  
"F," AND/OR GROUP "G"  
SPECIAL REGULATED USE  
PERMIT, FOR A PARCEL  
WITHIN 300 FEET OF A  
DEDICATED PUBLIC  
PARK, MAY APPLY FOR A  
PARK BEAUTIFICATION  
PLAN EXEMPTION, TO  
ALLOW THE APPLICANT  
TO RECEIVE THE  
RESPECTIVE SRU(S)  
WITHOUT A VARIANCE,  
PROVIDED THAT THEY  
MEET THE FOLLOWING  
CRITERIA:

- i. THE APPLICANT  
MUST MEET WITH  
THE CITY OF FLINT  
PLANNING &  
ZONING DIVISION  
TO DISCUSS  
POTENTIAL PARK  
IMPROVEMENTS  
FOR THE PARK  
NECESSITATING  
THE EXEMPTION;  
AND
- ii. THE APPLICANT  
MUST MEET WITH  
MEMBERS  
SURROUNDING  
NEIGHBORHOOD,

AND THE  
SURROUNDING  
NEIGHBORHOOD  
ASSOCIATION (IN  
THE EVENT THAT  
ONE EXISTS), TO  
DISCUSS  
POTENTIAL PARK  
IMPROVEMENTS  
FOR THE PARK  
NECESSITATING  
THE EXEMPTION;  
AND

iii. THE APPLICANT  
MUST MEET WITH  
THE APPLICABLE  
MEMBER(S) OF THE  
ADOPT A PARK  
PROGRAM, IN THE  
EVENT THAT ONE  
EXISTS FOR THE  
PARK  
NECESSITATING  
THE EXEMPTION;  
TO DISCUSS THE  
APPLICANT'S  
BUSINESS PLAN;  
AND

iv. THE APPLICANT  
MUST PRESENT A  
PLAN TO BEAUTIFY  
THE PARK  
NECESSITATING  
THE EXEMPTION  
TO THE FLINT  
PLANNING  
COMMISSION AT A  
PUBLIC HEARING;  
AND

1. SUCH A PLAN  
MUST  
INCLUDE A  
CAPITAL  
INVESTMENT  
TO IMPROVE  
RECREATION

AL  
AMENITIES IN  
THE PARK IN  
THE  
APPLICANT'S  
FIRST YEAR  
OF BUSINESS  
OPERATION;  
AND

2. SUCH A PLAN  
MUST ALSO  
INCLUDE A  
CAPITAL  
INVESTMENT  
TO SUPPORT  
PARK  
MAINTENANCE  
WITHIN  
THE FIRST  
FIVE (5)  
YEARS OF  
THE  
APPLICANT'S  
BUSINESS  
OPERATION.

v. THE APPLICANT'S  
PARK  
BEAUTIFICATION  
PLAN MUST BE  
APPROVED BY THE  
PLANNING  
COMMISSION, AND  
MUST  
SUBSEQUENTLY BE  
PUT INTO EFFECT  
AND CONTINUED AS  
THE APPLICANT  
OPERATES WITH  
THEIR LICENSE(S)  
INTO THE FUTURE.  
FAILURE TO  
UPHOLD SUCH  
COMMITMENTS  
MAY BE GROUNDS  
FOR NON-RENEWAL  
OF LICENSE(S),

AND/OR MAY BE  
SUBJECT TO THE  
LICENSE  
REVOCATION  
PROCESS OUTLINED  
IN THIS  
ORDINANCE.

THE APPLICATION FOR  
AN APPLICABLE PARCEL  
WOULD REMAIN SUBJECT  
TO THE OTHER  
LOCATIONAL CRITERIA,  
NOTWITHSTANDING THE  
EXCEPTION OUTLINED  
ABOVE, HOWEVER THIS  
EXCEPTION MAY BE USED  
IN CONJUNCTION WITH  
THE BLIGHT  
ELIMINATION PLAN  
EXEMPTION LISTED  
ABOVE. AN APPLICANT  
WHO ELECTS NOT TO  
PARTICIPATE IN THIS  
VOLUNTARY EXEMPTION  
PLAN PROCESS MAY  
ALTERNATIVELY SEEK A  
LOCATIONAL VARIANCE  
BEFORE THE PLANNING  
COMMISSION.

- (4) ALL LICENSEES WHO  
RECEIVING A  
COMMUNITY BENEFIT  
LOCATIONAL  
EXEMPTION UNDER THIS  
SECTION SHALL APPEAR  
BEFORE THE PLANNING  
COMMISSION AS A CASE  
REVIEW UPON THE FIRST  
ANNUAL RELICENSING OF  
THEIR PERMIT(S).

Sec. 2. This ordinance shall become  
effective immediately upon adoption.

Adopted this \_\_\_\_\_ day of  
\_\_\_\_\_, 2019, A.D.

Sheldon A. Neeley, Mayor

Inez M. Brown, City Clerk

APPROVED AS TO FORM:

Angela Wheeler, Chief Legal Officer

PROPOSED

200075

ORDINANCE NO. \_\_\_\_\_

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 12, Business and Occupations Generally; Article XVI, Medical Marihuana Facilities, Section 12-95.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 12, Business and Occupations Generally; amending Article XVI, Section 12-95, Medical Marihuana Facilities, by changing the references to Medical Marihuana Facilities to Marihuana Facilities, consistent with the licenses and standards set forth in Chapter 50, Zoning, Article XXXII, Section 50-183, Marihuana Facilities Opt In Ordinance, which shall read in its entirety as follows:

ARTICLE XVI. MEDICAL-MARIHUANA FACILITIES.

§12-95. STANDARDS FOR MEDICAL MARIHUANA FACILITIES.

(a) All Medical Marihuana Facilities shall be subject to any other applicable provisions of the Flint City Code. Medical Marihuana Facilities shall also comply with the Michigan Medical Marihuana Act (MCL 333.26421 *et seq.*) as amended ("MMMA"), the Medical Marihuana Facilities Licensing Act, MCL 333.2701, *et seq.*, (MMFLA), the Marihuana Tracking Act (MTA), MCL 333.27901, *et seq.*, THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT ("THE MRTMA"), 2018 IL 1, MCL 333.27951 *ET SEQ.*, the general rules of the Michigan Department of Community Health, the rules of the Michigan Department Of Licensing And Regulatory Affairs (LARA) AND THE MARIJUANA REGULATORY AGENCY (MRA), and other applicable State laws.

(b) **DEFINITIONS.** For the purpose of the code, the definitions set forth in Chapter 50,

Zoning, Article XXXII, Medical Marihuana Facilities, shall apply.

(c) No person shall operate a medical marijuana facility without the Facility having first obtained and being in possession of a valid medical marijuana facility license(s) issued by the City of Flint and the State of Michigan.

- (1) A medical-marijuana facility license application shall be made annually on forms provided by the City of Flint consistent with the terms set forth in Chapter 50, Zoning, Article XXXII, Medical Marihuana Facilities.
- (2) The Chief of Police may conduct a criminal background check of the applicant, and a medical-marijuana facility license shall not be issued to any person who has been convicted of any felony involving illegal drugs, or for other reasons identified by the Chief of Police to protect the health, safety and welfare of the community. Drug related felony offenses does not include a conviction for activity allowed under the Michigan Medical Marihuana Act, even if the activity occurred before the enactment of the Michigan Medical Marihuana Act.
- (3) The applicant shall submit an affidavit of the property owner declaring that the owner is aware of the proposed medical-marijuana facility. The affidavit form will be provided by the City of Flint.
- (4) The applicant shall submit a tax clearance form demonstrating that city taxes are current. The form will be provided by THE City of Flint.
- (5) The applicant shall obtain a special regulated use permit before applying for a medical-marijuana facility license, and submit the permit along with the application.

- (6) The non-refundable fee to submit an application for a medical-marijuana facility license shall be one thousand, five hundred (\$1500.00) dollars.
- (7) The annual fee for a Provisioning Center MARIJUANA FACILITY license shall be five thousand (\$5,000.00) dollars (with the application fee deducted from that amount).
- (8) A license is valid only for the location identified on the license and cannot be transferred to another location within the city without a new application. The process for otherwise transferring Licenses is set forth in Chapter 50, Zoning, Article XXXII, Medical Marihuana Facilities.
- (9) Compliance with all applicable laws, as enforced, is a condition of maintenance of a license.
- (10) Each day that a person shall conduct a medical-marijuana facility without a license shall constitute a separate offense.
- (d) No person shall act as an employee or volunteer of a medical-marijuana facility without compliance with the terms set forth in Chapter 50, Zoning, Article XXXII, Medical Marihuana Facilities.
- (1) The non-refundable annual employee license application fee shall be one hundred fifty (\$150.00) dollars.
- (2) A license is valid only for the location identified on the license and cannot be transferred to another location within the City without a new application.

- (3) Compliance with all applicable laws, as enforced, is a condition of maintenance of a license.
- (4) Each day that a person shall work as an employee of a medical-marijuana facility without a license shall constitute a separate offense.
- (e) The following additional standards shall apply to medical-marijuana facilities
  - (1) All medical marihuana shall be contained within an enclosed, locked facility, inaccessible on all sides and equipped with locks that permit access only by the licensed medical—marijuana facility employee.
  - (2) All transfers and deliveries of medical marihuana must occur within a structure.
  - (3) Provisioning Centers, RETAIL FACILITIES, AND MICROBUSINESSES, as defined in Chapter 50, Zoning, Article XXXII, Medical Marihuana Facilities, shall be limited to operating between 8:00 a.m. and 7:00 p.m. Monday through Saturday and 12:00 noon and 6:00 p.m. Sunday. No other Medical Marijuana Facility shall be open to the public at any time.
  - (4) Persons under the age of eighteen (18) years of age are not permitted to be on the premises of any Provisioning Center unless they possess a valid registry card and parent or legal guardian.
  - (5) PERSONS UNDER THE AGE OF TWENTY ONE (21) ARE NOT PERMITTED TO BE ON THE PREMISES OF ANY MICROBUSINESS OR RETAIL FACILITY.



(6) Marihuana shall not be smoked, eaten, or otherwise consumed at any medical-marijuana facility.

(f) An inspection of the building out of which a ~~provisioning center~~ MARIJUANA FACILITY operates shall be required every year. The inspection fee shall be established by resolution of the City Council.

(g) Every medical-marijuana facility shall provide immediate access to the premises where business is conducted or property is stored, to any police officer, the building inspector or the fire marshal, without warrant, during regular hours of business, or at any time the medical-marijuana facility license holder or his employee or agent are on the premises.

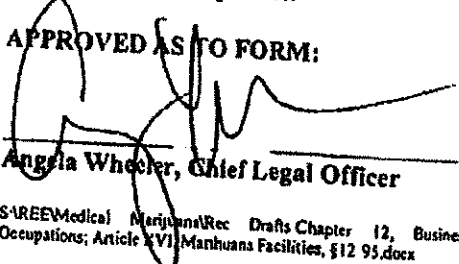
Sec. 2. This ordinance shall become effective immediately upon adoption.

Adopted this \_\_\_\_\_ day of  
\_\_\_\_\_ 2019, A.D.

\_\_\_\_\_  
Sheldon A. Neeley, Mayor

\_\_\_\_\_  
Inez M. Brown, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Angela Wheeler, Chief Legal Officer

S:\REEMedical Marijuana\Rec Drafts Chapter 12, Business and Occupations; Article XVI, Marihuana Facilities, §12 95.docx

200076

RECOMMENDED BY PLANNING COMMISSION 02.04.2020

ORDINANCE NO. \_\_\_\_\_

An ordinance to amend the Ordinances of the City of Flint by amending Chapter 50, Zoning; Article XXIX, Special Regulated Uses; Sections 50-161; 50-163; 50-164; and 50-169.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. That the Ordinances of the City of Flint shall be amended by amending Chapter 50, Zoning; Article XXIX, Special Regulated Uses; Sections 50-161; 50-163; 50-164; and 50-169, to amend Group "E," "F" and "G", in light of the amendments to Special Regulated Uses E, F and G set forth in Chapter 50, Zoning, Article XXXII, Section 50-183 Marijuana Facilities Opt In Ordinance, to read in its entirety as follows:

§ 50-161 PURPOSE.

(a) In the development of a community it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this article. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.

(b) Uses subject to these controls are as follows:

(1) Group "A" — Special regulated uses:

Adult bookstore

Adult motion picture theater

Adult mini motion picture theater

Massage establishments

Establishments for consumption of beer or intoxicating liquor on the premises and having adult entertainment

Steam baths

Any other use, including a group B special regulated use, which provides goods or services which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" which provides goods or services in a manner which is distinguished or characterized by its emphasis on "specified sexual activities" or "specified anatomical areas"

uses: (2) Group "B" - Special regulated

Pawnshops

Liquor stores

Tattoo Establishments

uses: (3) Group "C" - Special regulated

Pool or billiard halls

Gaming Tables

uses: (4) Group "D" - Special regulated

Wireless telecommunication facilities

Wireless telecommunication towers

Wireless telecommunication antennas

- (5) Group "E," "F" and "G" --  
Special Regulated Uses;

**Medical-Marihuana Facilities**

The standards set forth in Chapter 50,  
Zoning, Article XXXII, Medical Marihuana  
Facilities, shall apply.

**§ 50-163 LOCATIONAL STANDARDS --  
RELATIONSHIP TO SIMILAR USES.**

(a) Group "A" special regulated uses (§ 50-161). An application to establish a group "A" special regulated use shall not be approved if there is already in existence two or more group "A", group "B", or group "C" special regulated uses within 2,000 feet of the boundaries of the site of the proposed regulated uses.

(b) Group "B" special regulated uses (§ 50-161). An application to establish a group "B" special regulated use shall not be approved if there is already in existence four or more group "B" or group "C" special regulated uses within 2,000 feet of the boundaries of the site of the proposed regulated uses.

(c) Group "C" special regulated uses (§ 50-161). An application to establish a group "C" special regulated use shall not be approved if there is already in existence four or more group "C" special regulated uses within 2,000 feet of the boundaries of the site of the proposed regulated use.

(d) Group "E" Special regulated Uses (§ 50-161). An Application to Establish a Group "E" Special Regulated Use shall not be approved if there is already in existence four or more Group "A" or Group "B" Special Regulated Uses within 2,000 feet of the boundaries of the site of the proposed regulated use, as set forth in Chapter 50,

Zoning, Article XXXII, Medical Marihuana  
Facilities.

(e) Group "E," "F" and "G" special regulated uses shall be limited by the locational standards set forth in Chapter 50, Zoning, Article XXXII, Medical Marihuana Facilities.

**§ 50-164 LOCATIONAL STANDARDS --  
RELATIONSHIP TO RESIDENTIAL AREA  
AND OTHER USES.**

(a) Group "A" special regulated uses (§ 50-161). An application to establish a group "A" special regulated use shall not be approved if the proposed location is within 1,000 feet of any residentially zoned district, mobile home park, K through 12 school, park or church.

(b) Group "B" special regulated uses (§ 50-161). An application to establish a group "B" special regulated use shall not be approved if the proposed location is within 300 feet of a residentially zoned district, mobile home park, K through 12 school, dedicated park, or church.

(c) Group "C" special regulated uses (§ 50-161). An application to establish a group "C" special regulated use shall not be approved if the proposed location is within 200 feet of a residentially zoned district, mobile home park, K through 12 school, park or church, except in the D-4 zoning district where this locational standard is waived.

(d) Group "E," "F" and "G" special regulated uses. An application to establish a group "E," "F" and/or "G" special regulated use shall not be approved if the proposed location is within 300 feet of a residentially zoned district, or otherwise in conflict with the standards set forth in Chapter 50, Zoning, Article XXXII, Medical Marihuana Facilities.

**§ 50-169 ZONING DISTRICTS  
REQUIREMENTS FOR SPECIAL  
REGULATED USES.**

(a) The special regulated uses itemized in this article shall be limited to the following zoning districts:

(1) Group "A" special regulated uses shall be allowed in D-6, E, F, and G districts.

(2) Group "B" special regulated uses shall be allowed in D-5, D-6, E, and F districts.

(3) Group "C" special regulated uses shall be allowed in D-4, D-5, D-6, E and F districts.

(4) Group "E" Special Regulated Uses shall be allowed in D-2, D-3, D-5, D-6, E, F, and G districts as set forth in Chapter 50, Zoning, Article XXXII, Medical Marijuana Facilities.

(5) Group "F" and "G" special regulated uses shall be limited to the "E", "F", & "G" industrial zoning districts, as set forth in Chapter 50, Zoning, Article XXXII, Medical Marijuana Facilities.

(b) Also, each special regulated use shall be subject to the specific requirements of each zoning district and all other applicable regulations.

**Sec. 2. This ordinance shall become effective immediately upon adoption.**

Adopted this \_\_\_\_\_ day of  
\_\_\_\_\_ 2019, A.D.

\_\_\_\_\_  
Sheldon A. Neeley, Mayor

\_\_\_\_\_  
Inez M. Brown, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Angela Wheeler, Chief Legal Officer

S:\REEMedical Marijuana Rec Drafts Chapter 50, Zoning, Article XXIX  
Special Regulated Uses, Medical Marijuana Facilities, §50-161 - §50-169  
RECOMMENDED BY PC.doc

200489

ORDINANCE NO. \_\_\_\_\_

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 31, General Offenses; Article I, In General by the addition of Section 31-65, Hours of the Sale of Liquor, which shall read in its entirety as follows:

IT IS HEREBY ORDANIED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 31, General Offenses, Article I, In General, by the addition of Section 31-65, Hours of the Sale of Liquor, which shall read in its entirety as follows:

**Sec 31-65 HOURS OF THE SALE OF LIQUOR.**

**THE HOURS OF OPERATION AND THE SALE OF BEER, WINE, LIQUOR OR OTHER ALCOHOLIC BEVERAGES AT LIQUOR STORES, CORNER STORES, CONVENIENCE STORES, AND GAS STATIONS FROM 7AM TO 9PM MONDAY THROUGH SATURDAY AND 12PM TO 9PM SUNDAY.**

(A) DEFINITIONS: THE DEFINITION AND PROVISIONS CONTAINED IN THIS SECTION SHALL GOVERN THE CONSTRUCTION, MEANING AND APPLICATIONS OF THE FOLLOWING WORDS AND PHRASES USED IN THIS CHAPTER

**1. BEER- A FERMENTED MALT**

**BEVERAGE  
CONTAINING 0.5%  
OR MORE ALCOHOL  
BY VOLUME.**

**2. CIDER- AN ALCOHOLIC BEVERAGE THAT IS OBTAINED BY THE FERMENTATION OF THE JUICE OF APPLES OR PEARS AND THAT CONTAINS LESS THAN 0.5% ALCOHOL BY VOLUME. "CIDER" INCLUDES FLAVORED, SPARKLING, AND CARBONATED CIDER.**

**3. INTOXICATING LIQUOR (OR LIQUOR) - ALL ALCOHOL BEVERAGES (OTHER THAN BEER) CONTAINING 0.5% OR MORE ALCOHOL BY VOLUME AND ALL WINES.**

**4. ALCOHOLIC BEVERAGES- A STATUTORY TERM WHICH INCLUDES BEER, WINE, AND LIQUOR.**

Adopted this \_\_\_\_\_ day of  
\_\_\_\_\_, 2020, A.D.

**(B) IT SHALL BE UNLAWFUL FOR A SALES PERSON, EMPLOYEE, CASHIER, AGENT OR REPRESENTATIVE OF A LIQUOR STORE, CORNER STORE, OR GAS STATION TO SELL BEER, WINE, LIQUOR, OR ANY OTHER ALOCHOLIC BEVERAGE BEFORE 7AM OR AFTER 9PM MONDAY THRU SATURDAY, AND BEFORE 12PM SUNDAY OR AFTER 9PM.**

\_\_\_\_\_  
Sheldon A. Neeley, Mayor

\_\_\_\_\_  
Inez M. Brown, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Angela Wheeler, Chief Legal Officer

**(C) IT SHALL BE UNLAWFUL FOR A LIQUOR STORE, CORNER STORE, CONVENIENCE STORE, OR GAS STATION TO REMAIN OPEN PAST 9PM MONDAY THRU SUNDAY.**

**(D) ANY PERSON OR PERSONS WHO VIOLATES THIS CHAPTER IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN \$500 AND/OR IMPRISONMENT UP TO 90 DAYS OR BOTH SUCH FINE AND IMPRISONMENT MAY BE IMPOSED AT THE DISCREATION OF THE COURT.**

**(E) IF ANY PROVISIONS OF THIS ORDIANACE SHALL BE HELD INVALID, THE REMAINDER OF THE ORDIANCE SHALL NOT BE AFFECTED THEREBY.**

Sec. 2. This ordinance shall become  
effective this \_\_\_\_\_ day of  
\_\_\_\_\_, 2020. A.D.

200490

ORDINANCE NO. \_\_\_\_\_

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 24, Housing; Article I, International Property Maintenance Code.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 24, Housing, Article I, International Property Maintenance Code, by the addition of Section 24-5 Landlords Removal and Disposal Process Regarding Evictions which shall read in its entirety as follows:

§ 24-5 Landlords Removal and Disposal Process Regarding Evictions:

- (A) IT SHALL BE UNLAWFUL FOR A LANDLORD TO REMOVE, DISPOSE OF, OR PLACE A PROPERLY OR LEGALLY EVICTED TENANT'S BELONGINGS OR PROPERTY ONTO THE CURB, SIDEWALK, LAWN, YARD OR STREET AND LEAVE IT UNATTENDED.
- (B) A LANDLORD SHALL PROPERLY REMOVE OR DISPOSE OF A TENANT'S PROPERTY BY NOTIFYING TENANT OF ITS INTENTIONS AND MUST ADVISE TENANT WHEN AND WHERE BELONGINGS ARE OR WILL BE STORED.
- (C) IT SHALL BE THE RESPONSIBILITY OF THE LANDLORD TO PROPERLY REMOVE OR DISPOSE OF PROPERTY ABANDONED OR LEFT BEHIND BY TENANT(S) AND LANDLORD MAY ACCESS A

STORAGE FEE THAT MAY BE PASSED ON TO THE TENANT.

- (D) ANY PERSON OR PERSONS WHO VIOLATES THIS CHAPTER IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN \$500 AND/OR IMPRISONMENT UP TO 90 DAYS OR BOTH. SUCH FINE AND/OR IMPRISONMENT MAY BE IMPOSED AT THE DISCRETION OF THE COURT.
- (E) IF ANY PROVISION OF THIS ORDINANCE SHALL BE HELD INVALID, THE REMAINDER OF THE ORDINANCE SHALL NOT BE AFFECTED THEREBY.

Sec. 2. This Ordinance shall become effective this \_\_\_\_\_ day of \_\_\_\_\_, 2020, A.D.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020, A.D.

FOR THE CITY:

\_\_\_\_\_  
Sheldon A. Neeley, Mayor

\_\_\_\_\_  
Inez M. Brown, City Clerk

APPROVED AS TO FORM:

Angela Wheeler  
Angela Wheeler, Chief Legal Officer

200512

ORDINANCE NO. \_\_\_\_\_

**An Ordinance to amend the Flint City Code of Ordinances Chapter 12, Business and Occupations Generally; Article XVI, Medical Marihuana Facilities, by the addition of Section 12-96.**

**IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:**

**Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 12, Business and Occupations Generally; amending Article XVI, Section 12-96, Sixty Day Emergency Opt In to Related Recreational Marihuana Facilities, Elimination of License Cap, to Extend that Section by an Sixty Days, which shall read in its entirety as follows:**

**§12-96. SEVENTH** ~~Sixth~~ and Supplemental Extension of Sixty Day Emergency Opt In To Related Recreational Marihuana Facilities; Elimination Of License Cap.

(a) *Emergency.* The State Of Michigan Department Of Licensing And Regulatory Affairs announced its intention to accept applications for recreational marihuana licenses, of all types on November 1, 2019, which effectively created a November 1 deadline for the city to have an ordinance regulating or prohibiting recreational marihuana licenses in place.

As outlined in the Michigan Regulation and Taxation Of Marihuana Act ( "the MRTMA" ), being Initiated Law 1 of 2018, MCL 333.27951 et seq, and its corresponding administrative rules, the state shall grant any marihuana license application that meets the state criteria. Pursuant to the MRTMA Sec. 6(3)(c), such applicants are only limited to non-residential areas and 1000 feet from an existing K-12 school. The City will have no additional opportunity to review such a license application, in the absence of a City Ordinance, pursuant to the MRTMA Sec. 9(3) unless it has a

prohibiting or limiting ordinance in effect at the time such an application is received.

As demonstrated on the attached map, the absence of such an ordinance would affect the welfare and property rights of the citizens of the city of flint, as marihuana establishments could arise in areas directly adjacent to residences, preschools, parks, and places of worship. Pursuant to the City Code, Sec. 50-183, the City has determined that marihuana establishments are incompatible in such proximity to these properties; and the absence of this ordinance would directly affect City residents. This result, contrary to current City Code and combined with the immediate necessity of such an ordinance in effect by November 1, 2019, constitutes an emergency for the purposes of City Charter Sec. 3-307.

City Staff have undergone significant efforts presenting a draft ordinance for these new facilities to the Planning Commission which formally recommended that marihuana microbusinesses be treated similarly to liquor store or medical marihuana provisioning centers added social equity exemptions for residential license applicants, and blight elimination and park beautification plans as a part of the marijuana licensing process, as well as a resident-initiated hearing process for dealing with nuisances. Additional time is required to complete the legislative process for the city council's second reading and public hearing of that ordinance.

Further, in light of the State of Emergency declared in the City of Flint by Mayor Neeley, which was extended indefinitely by Flint City Council, and declared by Governor Whitmer for the State of Michigan due to the COVID-19 virus, the capacity for the City of Flint to hold a meeting and extend the current emergency ordinance, or to adopt the ordinance on a permanent basis prior to the expiration of this emergency ordinance, remains questionable. In order to maintain the above-referenced standards during this duration, the City Council hereby opted to extend this emergency ordinance for a ~~sixth~~ **SEVENTH** time



as the City and the community navigate the COVID-19 emergency.

(b) *Licensure Of Related Recreational Marihuana Licenses By The Standards Set Forth In The Medical Marihuana Opt-In Ordinance.* Marihuana establishments, as authorized by and defined in the MRTMA, shall be subject to the criteria, zoning restrictions and license requirements already set forth in the City's current Medical Marihuana Opt-In Ordinance, Sec. 50-183, to the extent those establishments are defined as a related license type as set forth in the MRTMA administrative rules.

Specifically:

- (1) marihuana growers shall be subject to the criteria, zoning restrictions and license requirements applicable to medical marihuana growers;
- (2) marihuana safety compliance facilities shall be subject to the criteria, zoning restrictions and license requirements applicable to medical marihuana safety compliance facilities;
- (3) marihuana processors, shall be subject to the criteria, zoning restrictions and license requirements applicable to medical marihuana processors;
- (4) marihuana retailers, shall be subject to the criteria, zoning restrictions and license requirements applicable to medical marihuana provisioning centers; and
- (5) marihuana secure transporters shall be subject to the criteria, zoning restrictions and license requirements applicable to medical marihuana secure transporters.

(c) *Applications For Related Recreational Marihuana Licenses.* Applications for the above-listed licenses shall be taken and evaluated in the same matter, and subject to the same criteria, as outlined above and as set forth in the Medical Marihuana Opt-In Ordinance, Sec. 50-183, except as set forth in (d) below.

(d) *Elimination of license caps.* The license caps, as identified in Sec. 50-183 but not otherwise inherently related to zoning, are hereby eliminated for medical marihuana establishments, and similarly shall not apply to related recreational marihuana establishments.

In recognition of the efforts and commitments made by the medical marihuana facility applicants throughout the rubric scoring process, the City shall exhaust the list of provisioning center applications, in the order set forth in result of said scoring, by hearings of all such applications by the City's Planning Commission, prior to new retail or provisioning center applications being heard by the commission.


Sec. 2. This ordinance shall remain in effect, by the enactment of this extension pursuant to City Charter 3-307(e), immediately upon adoption, and pursuant to that same provision shall expire after a period of sixty (60) days, or upon passage and the effective date of the city's permanent amendments to its marijuana ordinance, city code sec. 50-183, whichever is sooner.

Adopted this \_\_\_\_\_ day of  
\_\_\_\_\_ 2020, A.D.

\_\_\_\_\_  
**Sheldon A. Neeley, Mayor**

\_\_\_\_\_  
**Inez M. Brown, City Clerk**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**Angela Wheeler, Chief Legal Officer**

S:\Kelly\00 - Marihuana Ordinances\FIFTH AND SUPPLEMENTAL EXTENSION OF Chapter 12, Business and Occupations Article XVI, Emergency Sixty Day Opt In to Related Recreational Marihuana Facilities, Intention for Full Approval §12-96.docx

200461

ORDINANCE NO. \_\_\_\_\_

**An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 35, Personnel; Article V, Working Conditions.**

**IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:**

**Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 35, Personnel; Article V, Working Conditions, by the amending of Section 35-89 Holidays, which shall read in its entirety as follows:**

§ 35-89 Holiday.

(a) Holiday observance.

(1) The following days shall be designated as holidays:

- a. Independence Day;
- b. Labor Day;
- c. Thanksgiving Day;
- d. Christmas Eve;
- e. Christmas Day;
- f. New Year's Eve;
- g. New Year's Day;
- h. Martin Luther King Day; ~~and~~
- i. Memorial Day; ~~AND~~

**J. JUNETEENTH.**

(2) All holidays shall be observed on the actual calendar day of their occurrence except in the following situations:

a. Martin Luther King Day shall be observed on a Monday; and

b. For employees with a normal workweek which enables them to have every Saturday and/or Sunday off, any holiday which has a calendar date falling on a Saturday and/or Sunday, the calendar date shall be ignored and the holiday shall be observed as follows:

- 1. Holidays occurring on a Saturday will be observed on the preceding Friday;
- 2. Holidays occurring on a Sunday will be observed on the following Monday;
- 3. Consecutive holidays occurring on Friday and Saturday will be observed on Thursday and Friday; and
- 4. Consecutive holidays occurring on Sunday and Monday will be observed on Monday and Tuesday.

(b) Holiday benefits — regular shift. Regular shift employees who are not required to work their regular shift on any holiday set forth in subsection (a) above shall receive eight hours pay at their straight time hourly rate.

(c) Holiday benefits — other than regular shift.

(1) Any regular employee allocated to level 22B and below required to work four or more hours in excess of a regular shift on any holiday set forth in subsection (a) hereof shall be paid one additional hour of pay at their straight time hourly rate for each hour worked in excess of eight, or in lieu of such payment the employee may elect to be credited with

one hour annual leave for each hour worked in excess of eight on that day.

(2) Any regular employee allocated to level 22B and below called in to work less than a full shift on any holiday set forth in subsection (a) above, whether or not the employee was on standby, shall, in addition to the compensation set forth in subsection (b) above, be credited with one hour annual leave for each hour worked on the holiday.

(d) Duplication of holiday benefits. Employees required to work both the calendar date and the designated date of a holiday shall receive holiday benefits only for the calendar date of the holiday.

(e) Unauthorized leave. Employees who are absent the last scheduled work day preceding the holiday, or the first scheduled work day following a holiday, which absence is not authorized, shall receive no pay for the holiday.

**Sec. 2. This Ordinance shall become effective this \_\_\_\_\_ day of \_\_\_\_\_, 2020, A.D.**

**Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020, A.D.**

**FOR THE CITY:**

\_\_\_\_\_  
**Sheldon A. Neeley, Mayor**

\_\_\_\_\_  
**Inez M. Brown, City Clerk**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**Angela Wheeler, Chief Legal Officer**